



## HOBBS POLICE DEPARTMENT

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May 3, 2013

Following revision and review, the policies set forth herein have been adopted by Chris McCall, Chief of Police and have been incorporated since his date of appointment 2-1-13.

Chris McCall  
Chief of Police  
Hobbs Police Department

5/6/13  
Date

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Accredited By The  
New Mexico Law Enforcement Professional Standards Council



# ***HOBBS POLICE DEPARTMENT***

## ***RULES AND REGULATIONS MANUAL***

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**I. STATEMENT OF PURPOSE**

The purpose of this order is to identify the organizational philosophy of the Department which emphasizes a positive working relationship between the public and the police. Each unit's goals and objectives will be focused to achieve this philosophy.

**II. MISSION STATEMENT**

We, the members of the Hobbs Police Department, are committed to being responsive to our community in the delivery of quality service. Recognizing our responsibility to maintain order, while affording dignity and respect to every individual, our objective is to improve the quality of life through a community partnership which promotes safe, secure neighborhoods. The values of the Hobbs Police Department evolve around People, Leadership, Service and Performance.

**III. GOALS AND OBJECTIVES**

- A. The Hobbs Police Department and each division within has written goals and objectives. These goals form the foundation of the Hobbs Police Department for divisional and individual goals. Departmental goals are established giving each employee the opportunity to provide input.
- B. The Captain of each division will submit their goals and objectives to the Chief of Police each March after consultation with their employees. Progress reports towards obtaining these goals and objectives will be submitted each October.
- C. The department and division goals and objectives will be distributed to all personnel each March.

**IV. POLICY STATEMENT**

It is the desire of the Hobbs Police Department to provide guidance in those circumstances wherein the Rules and Regulations and Standard Operating Procedures or stated procedures cannot be followed. When employees encounter circumstances in which department policy or stated procedures cannot be followed, officers adopt alternative procedures to accomplish police objectives.

When the use of alternative procedures becomes necessary, employees adopt those alternative procedures which will accomplish policy objectives in the most expedient manner with the least inconvenience to the public. Alternative procedures are those which tend to accomplish stated policy objectives in a manner which best insures the safety and welfare of the employee and the general public.

**I. STATEMENT OF PURPOSE**

The purpose of this order is to describe the scope and the limits of the department's law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances. The Department recognizes that in the course of performing official duties the use of discretion and alternatives to arrest have a positive role in law enforcement activities.

**II. GENERAL POLICY**

- A. The legally mandated authority vested in sworn personnel of the Hobbs Police Department is stated in the City Code of the City of Hobbs, New Mexico and in accordance with the constitutional laws of the United States and the State of New Mexico.
- B. It is Department policy that officers arrest on all crimes when probable cause exists and when the arrest conforms with the guidelines as stated in Department policy. This policy does not prevent an officer from having the discretion not to arrest when mitigating or extraneous circumstances exist.
- C. Officers have the discretion to use alternatives to custody arrest in Misdemeanor cases.

These may include:

- 1. Oral warnings
- 2. Written warnings
- 3. Traffic citations
- 4. Misdemeanor citations

**I. STATEMENT OF PURPOSE**

All personnel, prior to assuming sworn status, must take and subsequently abide by an oath of office to enforce the law and to uphold the Constitution of the United States and the State of New Mexico.

**II. FORMAT**

The oath consists of:

HOBBS POLICE DEPARTMENT  
CITY OF HOBBS, NEW MEXICO

I, \_\_\_\_\_, do affirm that I will truly and faithfully support the Constitution of the United States of America and the Constitution and the laws of the State of New Mexico and faithfully perform the duties of my office as a Police Officer for the City of Hobbs, New Mexico.

State of New Mexico  
County of Lea

Subscribed and sworn before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

**III. OATH OF HONOR**

In addition to the Oath of Office, each commissioned officer will be required to take the Oath of Honor initially upon hire. The Oath of Honor shall be given the same respect as that of the Oath of Office.

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the Constitution and the community I serve.

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**SECTION 4 – CODE OF ETHICS**  
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**I. STATEMENT OF PURPOSE**

All sworn officers are required to abide by the Law Enforcement Code of Ethics and understand the importance of the Canons of Police Ethics as it pertains to their role.

**II. LAW ENFORCEMENT CODE OF ETHICS**

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.....**LAW ENFORCEMENT.**

**III. CANONS OF POLICE ETHICS**

**ARTICLE I - PRIMARY RESPONSIBILITY OF JOB**

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws. Chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

**ARTICLE II - LIMITATIONS OF AUTHORITY**

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state, or federal, he must be aware of the limitations and proscriptions which the people, through law, have placed upon him. He must recognize the genius of the American system of government, which has given to no man, groups of men, or institutions, absolute power, and he must insure that he, as a prime defender of that system, does not pervert its character.

**ARTICLE III - DUTY TO BE FAMILIAR WITH THE LAWS AND WITH RESPONSIBILITIES OF SELF AND OTHER PUBLIC OFFICIALS**

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him; he will make

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special efforts to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

**ARTICLE IV - UTILIZATION OF PROPER MEANS TO GAIN PROPER ENDS**

The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of the officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition.

The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

**ARTICLE V - COOPERATION WITH PUBLIC OFFICIALS IN THE DISCHARGE OF THEIR AUTHORIZED DUTIES**

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

**ARTICLE VI - PRIVATE CONDUCT**

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable man. Following the career of a policeman gives no man special requisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American Republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.

**ARTICLE VII - CONDUCT TOWARD THE PUBLIC**

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can, and require compliance with the law. He will do neither from personal preference or prejudice, but rather as a duly appointed officer of the law discharging his sworn obligation.

**ARTICLE VIII - CONDUCT IN ARRESTING AND DEALING WITH LAW VIOLATORS**

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator or to mete out punishment for the offense. He shall, at all times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the service of the people and the equitable upholding of their laws in the handling of law violators or in dealing with the law abiding.

ARTICLE IX - GIFTS AND FAVORS

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

ARTICLE X - PRESENTATION OF EVIDENCE

The law enforcement officer shall take special pains to increase his perception and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of a case.

The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political and all other distinctions among the persons involved, strengthening the tradition of the reliability and the integrity of an officer's word.

ARTICLE XI - ATTITUDE TOWARD PROFESSION

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he shall strive to make the best possible application of science to the solution of crime and, in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, hold police work to be an honorable profession rendering valuable service to his community and his country.

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**I. STATEMENT OF PURPOSE**

In order to provide a common set of definitions, the following words and terms have the definitions given unless otherwise defined in a specific directive.

**II. DEFINITIONS AND TERMINOLOGY**

- A. Chain of Command -- The line of authority extending from the Chief of Police through a single subordinate at each level of command.
- B. For purpose of clarity, all references made to the masculine form (i.e.; he, his, him) will encompass both male and female personnel.
- C. Civilian employee -- An employee who is not classified as sworn personnel.
- D. Commanding Officer -- A ranking officer assigned to exercise authority over one or more organizational units.
- E. Department -- The designation applied to the Hobbs Police Department which is under the control and supervision of the Chief of Police.
- F. Division -- Subdivision of the Department commanded by a Captain.
- G. Captain -- A Captain whose primary responsibility is to oversee the Division under his command.
- H. Employee -- When used alone means sworn or non-sworn personnel.
- I. Officer -- A sworn peace officer employed by the Department, regardless of their assignment.
- J. Probationary Officer -- A sworn officer who has not completed his probationary period with the Department.
- K. Recruit -- A probationary sworn officer who has not been released from training.
- L. Shift Supervisor -- A Sergeant whose responsibility is to supervise a specific shift assignment.
- M. Staff -- An encompassing term for staff level officers including the Chief of Police, Deputy Chief, Captains, and the Lieutenants.
- N. Supervisor -- An officer or employee having supervisory responsibilities, temporary or permanent, over officers of a lower rank or employees of a lower pay grade.
- O. Unit -- A specialized subdivision or individual within a division.
- P. Watch Commander -- A Lieutenant whose responsibility is to coordinate and oversee a specific shift assignment.

**I. STATEMENT OF PURPOSE**

In order to fulfill the Department Goal, it is necessary to create and maintain a system through which the Hobbs Police Department can be effectively directed and controlled. As part of the overall training process, written direction must be provided to all personnel to guide and direct them in the performance of their duties. Standard operating procedures should therefore be considered only one part of the policy of the Department.

**II. PROCEDURE**

The Department's Rules and Regulations, together with the City Personnel Manual, are the official guides to this department's organization and operations. Updates and revisions to the Rules and Regulations are the responsibility of the Support Services, Bureau of Professional Standards. With the implementation of online software, all written directives will be issued electronically. This will include, but not limited to, policy additions/revisions, directives, Administrative Regulations, City Personnel Manual, training announcements, S.O.P.'s and memorandums. Employees will be notified via email that a document needs to be reviewed. Employees will then access the program using a user specific identification and password. Under no circumstances will an employee log on for any other individual. Once the employee has reviewed the document, an electronic signature may be required. This signature will verify that the employee has read and understood the contents of the document. It will be the responsibility of the Bureau of Professional Standards to ensure that appropriate divisions are notified of any revisions which affect that respective division. It is the responsibility of each employee to review all documents and to contact their supervisor for clarification should they have any questions.

**III. DEFINITIONS**

Written Directives come in the following forms:

1.      **General Order**      Permanent directives that describe departmental policy, programs and procedures which apply to one division only, more than one division or throughout the department.
2.      **Special Order**      May be used to set policy or procedures regarding a specific circumstance or event such as football games, parades, or other public gatherings. This order is temporary or self-canceling. Once the event is over the order has no effect. The same order may be reissued for each recurring event of the same nature.
3.      **Standard Operating Procedure**  
The Standard Operating Procedures may be used to establish procedures within a Division so long as they do not conflict with the goals, objectives and established General Orders of the Department. It shall be written in the same format currently utilized in the General Orders. A copy of each SOP manual will be maintained in the office of the Accreditation Manager.
4.      **City Policies/Administrative Regulations**  
Policies set forth by the City of Hobbs by means of directives, orders, memos, or Administrative Regulations.
5.      **Memorandum**      A formal written method of communication used to transmit information up or down the chain of command. A memorandum maybe addressed to all

personnel, a small group or to an individual. A memorandum shall not be used to change or establish departmental policy, regulations or procedures.

**IV AUTHORITY TO ISSUE**

The authority to issue, modify, or approve departmental policies rests with the Chief of Police or his designee. The Deputy Chief and the Division Captains have the authority to issue, modify, or approve divisional policies.

Memorandums may be written by any employee as needed. In order to validate the memorandum, the issuing employee need only to initial to the right of their name.

**V. OUTGOING CORRESPONDENCE**

All departmental correspondence materials will only be utilized for department/City business. Employees shall not correspond in the name of the Department without permission from their Division Captain.

**I. STATEMENT OF PURPOSE**

The purpose of this order is to define the organizational structure of the Department. It includes the Department Organizational chart.

**II. STRUCTURE**

The Department is organized into three divisions which operate under the direction of the Chief of Police.

**A. Operations**

Patrol Services Division is directed by a Captain and is comprised of Patrol Officers, C.A.T., K9 Officers, Field Training Officers, Motorcycle (Traffic) Officers, Bicycle Officers, and School Resource Officers.

**B. Support Services**

The Support Services Division is directed by a Captain and includes the Detention Center, Records Section, Crime Analysis, Warrant and Subpoena Services and Office of Professional Standards.

**C. Investigative Services**

The Investigative Division is directed by a Captain and includes the Criminal Investigation Division, Evidence, and Crime Scene Technicians.

**III. ORGANIZATIONAL CHART**

See Organization Chart under "Forms" Section

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**SECTION 8 – COMMAND STRUCTURE**  
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**I. STATEMENT OF PURPOSE**

The purpose of this directive is to define the command structure of the Department and to delineate the supervisory authority. The order of rank for personnel within the Police Department is:

- A. Chief of Police
- B. Deputy Chief
- C. Captain
- D. Lieutenant
- E. Sergeant
- F. Patrol Officer/Detective/Specialist

**II. STRUCTURE**

- A. Each Division is commanded by Captain.
  - 1. Each Division shall be under the direct command of only one supervisor.
  - 2. Personnel assigned within a Division are accountable to only one supervisor at any given time.
  - 3. The span of control of civilian supervisors is limited to employees in that particular Unit.
- B. Supervisory personnel are responsible for the performance of employees under their immediate control.
- C. The effective span of control of each supervisor normally should not exceed 12 (twelve) assigned employees except under unusual, temporary or emergency conditions.
- D. Responsibilities are delegated whenever necessary, to the lowest echelon possible for satisfactory execution.
  - 1. Personnel exercise such authority as is commensurate with delegated authority.
  - 2. Personnel are responsible for the authority that is exercised and fully accountable for its use.
- E. In any situation where personnel from two or more organizational units are involved and the chain of command for that incident is not covered in other policies or procedures, the highest ranking or senior officer in grade is in command.
- F. All personnel shall promptly obey any lawful order of a superior. In the event the superior officer is unable to communicate directly, any employee of the same or lesser rank may convey the order.
- G. Orders conflicting with previous commands or with provisions of written directives are called to the attention of the supervisor. If there is no retraction or alteration, the order stands as given.



- H. Personnel receiving an unlawful or improper order shall promptly report such in writing to the Chief of Police through the chain of command, by-passing the superior officer involved in the unlawful or improper order.
- I. Command or supervisory officers shall not knowingly give any order which is in violation of law, ordinances, or written directives.

### **III. STAFF MEETINGS**

While the Department is comprised of separate Divisions, each Division must allow for communication, coordination and cooperation among all functions. To facilitate this end, and to encourage and support the exchange of information between specialized functions, periodic staff meetings are held.

- A. The Chief of Police calls a staff meeting of supervisory personnel whenever necessary. These meetings may be more frequent and personnel attending may be restricted according to the subject matter being discussed.
- B. Division Captains may call a staff meeting whenever necessary. These meetings may be more frequent and personnel attending may be restricted according to the subject matter being discussed.

### **IV. SUPERVISORY AUTHORITY**

#### **A. First Line Supervisory Authority**

Sergeants/Civilian Supervisors are the first line supervisory authority in the Department and are responsible for, and have authority in, directing and monitoring the performance and conduct of subordinates, which includes, but is not limited to, the following:

- 1. Assure adherence to Department directives, policies and procedures;
- 2. Counseling and coaching of subordinates in an effort to maintain the efficiency of the Department;
- 3. Reception of complaints concerning the actions of personnel;
- 4. Invoking the disciplinary process.

#### **B. Mid-Level Supervisory Responsibility**

Lieutenants are Mid-Level Supervisory officers for the Department. They are responsible for the overall direction and control of their respective shifts or units. They are responsible for seeing that subordinate supervisors carry out directives in guiding personnel toward the accomplishment of Department goals.

#### **C. Command Officers Responsibility**

Command level offices are Captains. They are responsible for the overall direction and control of their respective Divisions. They are responsible for seeing that subordinate supervisors carry out directives in guiding personnel toward the accomplishment of Department goals.

**V. SUPERVISORY ACCOUNTABILITY**

- A. Supervisors shall exercise their authority in the best interest of the department, the community, and the employees of the department. Employees assigned to leadership positions shall carry out their duties in a manner that contributes to the department's mission, values, goals, and objectives.
- B. Supervisors generally issue orders to their own immediate subordinates; however, if needed, supervisors may be responsible for directing subordinates not officially under their supervision. In such cases, a courtesy notification to the employee's direct supervisor shall be made.
- C. Employees, including supervisors at all ranks, are responsible for carrying out any lawful order or command issued to them by a higher authority. Supervisors will be held accountable for seeing that their subordinate personnel carry out given orders.
- D. Supervisors, at all ranks, will be held accountable for their supervisory oversight.

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**I. STATEMENT OF PURPOSE**

The purpose of this order is to define the duties of the Chief of Police and Deputy Chief, establish a line of succession to act on behalf of the Chief of Police, and to specify an administrative reporting program.

**II. CHIEF OF POLICE**

The Chief of Police:

- A. is appointed by the City Manager with the approval of the City Commission and is responsible to the City Manager.
- B. has final authority and responsibility for the management, direction and control of the operations and administration of the Department.
- C. develops and proposes such programs and policies to the City Manager as necessary to maintain a modern, efficient, and effective Police Department.
- D. develops, presents, and justifies budget estimates for department operations.
- E. submits a quarterly and an annual report to the City Manager outlining the operations and achievements of the Police Department.
- F. maintains high standards of confidence through instruction and training, for and by members of the Department, as may be deemed necessary.

**III. DEPUTY CHIEF**

The Deputy Chief:

- A. is selected by the Chief of Police, with the approval of the City Manager, and answers directly to the Chief of Police.
- B. may be designated Public Information Officer and is directly responsible for media relations and release of information.
- C. is accountable for overall budgetary control of his Division.
- D. is responsible for the day to day, internal operations of the Department.
- E. acts on behalf of the Chief of Police in his absence.
- F. is responsible for the development of planning for projected needs of manpower and equipment. This may be accomplished through the use of a variety of internal information in conjunction with outside sources.

#### **IV. LINE OF SUCCESSION**

Circumstances may occur that cause the Chief of Police to be unavailable or unable to perform his lawful duties. It is therefore the Department's intent to establish a line of succession. When absences of the Chief of Police are anticipated, he will designate, in writing, a command officer to act on his behalf. The line of succession is by rank and seniority in rank.

- A. When an absence of the Chief of Police is anticipated, the Chief of Police will designate, in writing, a command officer to act on his behalf.
- B. Occasions may occur that cause the Chief of Police to be unavailable or unable to perform his lawful duties. It is therefore the Department's intent to establish a line of succession. The line of succession is comprised of command rank officers who act on behalf of the Chief of Police
- C. After the Chief of Police, the line of succession is by rank and seniority in rank.

#### **V. ADMINISTRATIVE REPORTING PROGRAM**

In order to create a system wherein the staff is informed of daily and monthly operations which are used to provide guidance to set Department goals and objectives and as a guide to report agency activities to outside entities, the following administrative reports are utilized:

- A. Daily Staff Report from Patrol Services  

Produced at the end of each shift to advise the Division Captains, the Deputy Chief, and the Chief of daily occurrences. This report contains the time of the call, the call or report number, the victim/RP, the location of occurrence and a brief synopsis of the call.
- B. Monthly reports to the Chief of Police  

Submitted no later than the 4th of each month recapping the events occurring within each division.
- C. Statistical Reports
  - 1. An activity report is produced by the Records Administrator or assigned designee and lists the activity of each individual officer. It is designed to provide supervisors with productivity levels of officers, assist in determining any patterns in productivity and tracking to determine any selective enforcement needs.
  - 2. A Monthly comparison report is produced by the Records Administrator or assigned designee and compares items month to the previous year. This report is distributed by the Records Administrator, or assigned designee, to the appropriate personnel within the police department.
  - 3. A Uniform Crime Reporting (UCR) report is produced by the Records Administrator and contains the requested information. This report is distributed to the Chief of Police for review and then sent to the FBI.

D. Report to the City Manager

A report compiled from the monthly reports to the Chief of Police and submitted to the City Manager on a quarterly basis. This report includes, among other things, a comparison from the previous year's calls for services; reported crime and arrests and community education presentations.

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**I. STATEMENT OF PURPOSE**

It is the policy of the Department to establish and maintain a positive working relationship with other agencies. The guidelines set out herein should assist employees in maintaining open communication and cooperation with other agencies not only within the Criminal Justice System, but in the realm of social services.

**II. RESPONSIBILITIES**

- A. All employees of the Department are reminded that they work for the public and they are responsible to protect and serve in all areas of public safety.
- B. Employees often encounter people who are in need of services from one or more of the local social service agencies. Although these problems may not be of a criminal nature, employees are obligated to make every effort to determine the needs of the individual and assist in obtaining help.
- C. Because all criminal justice and social service agencies must work together, each employee is responsible for acting in a courteous and professional manner when in contact with other criminal justice and social service agencies.

**III. REFERRALS**

- A. Department employees, in the course of performing their duties, often encounter people in need of a type of help best provided by another criminal justice agency or a social service agency.
- B. All officers are expected to be familiar with the application of New Mexico State Law as it applies to problems arising within the community. In dealing with problems presented to the officer, the determination of whether the problem is of a criminal nature or of a social or civil nature is made by the officer.
- C. Referrals to other agencies should be based upon specific criteria:
  - 1. Nature of the problem;
  - 2. Type of help or remedy required;
  - 3. Identification of the agency best suited to provide the necessary remedy.
- D. Juvenile problems should normally be referred to and handled by Children, Youth and Families, either the Juvenile Probation and Parole Office or the Department of Human Services.
- E. Adult criminal nature problems should be handled through either the District Attorney's Office or the City Attorney's Office. The determination of which office to refer should be based on the type and degree of the crime.
- F. Problems which are determined to be of a civil nature should be referred to either the Lea County Sheriff's Office or Magistrate Court.
- G. Issues which could be deemed a social problem should be referred to a variety of services and resources which are available in Lea County. Employees should maintain a working knowledge of the available services and resources in order to expedite the referral process.

- H. At times, a situation may require an officer to transport individuals to a social service agency, arrange for transportation or arrange for a representative of the agency to come to their location. In these situations, employees should cooperate fully with all social service agencies, if possible.

**IV. JOINT INVESTIGATIONS**

- A. At times, during the investigation of a major crime or the search for a fugitive, two or more law enforcement agencies must work together for the benefit of all involved agencies.
- B. When a call is received requesting immediate emergency assistance by another agency operating within the City limits, the requested assistance shall be dispatched and the appropriate supervisor notified.
- C. When calls for assistance outside the City limits are received the appropriate supervisor shall be immediately notified. The supervisor determines to what extent the Department will honor the request.
- D. When a joint investigation is conducted with another law enforcement agency, the Investigative Services Lieutenant maintains liaison with the outside agency and seeks the advice and consent of the Division Captain.
- E. Outside agencies requesting non-emergency assistance shall be referred to either of the following:
  - 1. the Patrol Services Sergeant on-duty, if uniformed officers are requested, or
  - 2. the Criminal Investigations Sergeant or Lieutenant on-duty, if investigative personnel are requested.
- F. When Department personnel and personnel from outside agencies are working together on a police operation, the highest ranking Department supervisor(s) coordinates with the highest ranking outside agency supervisors(s).
- G. Department personnel shall not be placed under the sole command of an outside police agency.
- H. At the scene of a major incident, the ranking Department uniformed supervisor assumes command of, and is responsible for, all uniformed Department officers. The ranking investigative supervisor assumes command of, and is responsible for, investigative personnel. If only one supervisor is present, that supervisor shall assume overall command of, and is responsible for, all officers until or unless relieved by a higher authority.
- I. The Division Captain of each involved division shall be kept informed on the status of any joint investigation by the ranking supervisor.
- J. If the joint investigation deals with a crime which occurred outside the Department jurisdiction, and a Department employee needs to file a report for his role in the investigation, a non-criminal incident report (NIR) for "Assist Other Agency" shall be completed.
- K. If the joint investigation deals with a crime which occurred inside the Department jurisdiction, a Department employee shall file the appropriate criminal report.

**I. STATEMENT OF PURPOSE**

It is essential that the Department maintain a good working relationship with other law enforcement agencies, both adjoining and within the Department's jurisdiction. Agreements between these agencies to provide assistance to each other in the event of natural disaster, mass disorder, or other emergency situations must be established before the need for the mutual assistance arises. The purpose of this section is to establish procedural guidelines that ensure the positive cooperative efforts of all agencies involved.

**II. AGENCY JURISDICTION**

- A. The boundaries and limits of Department jurisdiction include all areas within the corporate limits of the City of Hobbs. However, each commissioned officer of the Department carries a county commission card signed by the Lea County Sheriff which gives the officer authority to exceed the boundaries of the corporate city limits when necessary.
- B. An official City map detailing the City's boundaries is maintained in the Communications Center and the Patrol Services Sergeant's Office. In the event a question arises in regards to any specific boundary of the corporate limits of the City, a prevailing official City map is maintained in the Engineering Office at Hobbs City Hall.

**III. CONCURRENT JURISDICTION**

The New Mexico Department of Public Safety has concurrent jurisdiction within the city limits and as such, may from time to time, investigate activities.

**IV. ASSISTANCE FROM LOCAL AGENCIES**

- A. The Department has a written agreement with other law enforcement agencies working in Lea County to provide mutual aid in the event of an officer involved fatal incident.
- B. Emergency situations may require augmented law enforcement capabilities to restore order and assist victims. During this type of event, a supervisor or his designee has the authority to request assistance from, or provide to, both the Lea County Sheriff's Department and the New Mexico State Police.
- C. There are generally three levels of mutual aid assistance as follows:
  - 1. Short duration--less than one hour where an additional show of force, traffic control or prisoner transport is required.
  - 2. Medium duration--one to three hours, where the on-duty supervisor may request from, or provide to, the neighboring agency assistance. This assistance should normally be in a showing of force, traffic control or prisoner transport.
  - 3. Long duration--more than three hours or where full scale assistance may be required. The on-duty supervisor should notify the Chief of Police through the chain of command.
- D. Any long-term support between the agencies should be coordinated in advance by the Chief.



**V. REQUEST FOR FEDERAL LAW ENFORCEMENT ASSISTANCE**

- A. In cases where the involvement of a federal law enforcement agency is mandated by law, such as a bank robbery, it will be the responsibility of the Investigations Lieutenant to ensure that proper notification is made.
- B. Request for federal law enforcement assistance in emergency situations is generally made through the Chief of Police who contacts the appropriate federal agency without undue delay. The Chief should convey the following:
  - 1. The type of problem or circumstance requiring federal assistance;
  - 2. Details pertinent to the problem or circumstance; and
  - 3. The types of assistance or resources required and, if known, the length of time it is anticipated the assistance will be needed.
- C. Requests for federal law enforcement assistance in situations other than an emergency shall be made in writing under authority of the Chief of Police. The Chief should convey in writing the following:
  - 1. The type of problem or circumstance requiring federal assistance;
  - 2. Details pertinent to the problem or circumstance; and
  - 3. The types of assistance or resources required and, if known, the length of time it is anticipated the assistance will be needed.

**VI. REQUEST FOR NATIONAL GUARD ASSISTANCE**

- A. Requests for State or Federal assistance, including activation of the New Mexico National Guard or other military forces, shall be made by the Mayor, or his designee.
- B. The request for assistance should include the following:
  - 1. The nature of the emergency or disaster;
  - 2. That a state of emergency has been declared by the Mayor;
  - 3. That the City of Hobbs available resources are insufficient to handle the emergency; and
  - 4. The types of assistance needed from the State and Federal agencies and the length of time it is anticipated the assistance will be needed.

**VII. MARTIAL LAW**

The request for consideration of the establishment of martial law would be made by the mayor, upon recommendation of the Chief of Police. By state law, this designation would have to be made to and approved by the Governor of New Mexico.

## **CHAPTER 2**

### **GENERAL PROVISIONS**

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#### **1, PROFESSIONAL STANDARDS OF CONDUCT**

I	Statement of Purpose
II	Authority of Code
III	Scope
IV	Knowledge and Compliance with Orders
V	Professional Conduct and Personal Bearing
VI	Public Relations--General
VII	Telephone Public Relations
VIII	Department Representation
IX	Saluting the National Anthem, Pledge of Allegiance, Passing United States Flag
X	Solicitors
XI	Use of Tobacco
XII	Intoxicating Beverages and Drugs
XIII	Gratuities
XIV	Relationships with Co-Workers
XV	Protection of Person's Rights and Property
XVI	Political Activities
XVII	Harassment in the Workplace

#### **2. UNIFORMS AND APPEARANCE**

I	Statement of Purpose
II.	Uniforms
III.	Insignia
IV	Footwear
V	Leather Gear
VI	Headgear
VII	Traffic Vests
VIII	Body Armor
IX	Inspection of Uniforms
X	Uniform Replacement
XI	Seasonal Uniforms
XII	Appearance Guidelines
XIII	Jewelry for Uniformed Personnel
XIV	Detention Dress Code
XV	Dress Code for Non-uniformed Personnel
XVI	Dress Code for Training/Restricted Duty Status
XVII	Dress Code for Court Appearance
XVIII	Use of Polo Shirts
XIX	Fitness

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## **CHAPTER 2**

### **GENERAL PROVISIONS**

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#### **3. USE, CARE, AND MAINTENANCE OF EQUIPMENT**

- |     |                               |
|-----|-------------------------------|
| I   | Statement of Purpose          |
| II  | Personal Assigned Equipment   |
| III | Temporary Assigned Equipment  |
| IV  | Pocket Recorder               |
| V   | In-Car Lap Top Computer       |
| VI  | Mobile Video Recording System |

#### **4. REPORTING FOR DUTY/ATTENDANCE RECORDS**

- |     |                              |
|-----|------------------------------|
| I   | Statement of Purpose         |
| II  | Schedules                    |
| III | Reporting Attendance/Absence |
| IV  | Reporting for Duty           |

#### **5. COURT APPEARANCES**

- |     |                                |
|-----|--------------------------------|
| I   | Statement of Purpose           |
| II  | Attendance                     |
| III | Conduct                        |
| IV  | Testimony                      |
| V   | Rescheduling Court Appearances |
| VI  | Payment                        |

#### **6. SPECIAL DETAIL**

- |     |                      |
|-----|----------------------|
| I   | Statement of Purpose |
| II  | Definition           |
| III | Outside Employment   |
| IV  | Special Events       |

#### **7. PERSONAL INFORMATION**

- |     |   |
|-----|---|
| I   | Statement of Purpose                              |
| II  | Requirements                                      |
| III | Disclosure/Release of Address or Telephone Number |
| IV  | Control over access to information                |

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#### **8. ON-THE-JOB INJURY**

- I Statement of Purpose
- II Medical Treatment
- III Reporting Requirements
- IV Restricted Duty Assignment
- V Death/Injury to a Member of the Department

#### **9. NOTIFICATION OF NEXT OF KIN**

- I Statement of Purpose
- II General Policy

#### **10. LONG DISTANCE TELEPHONE PROCEDURES**

- I Statement of Purpose
- II Accounting for Calls

#### **11. INTERIOR FURNISHINGS POLICY**

- I Statement of Purpose
- II Work Areas

#### **12. PERFORMANCE EVALUATIONS**

- I Statement of Purpose
- II Objectives
- III Responsibility
- IV Ratings
- V Quarterly Performance Meetings

#### **13. POLICE OFFICER CERTIFICATE CLASSIFICATION**

- I Statement of Purpose
- II Certificate Classification
- III Responsibility
- IV Insignia
- V Wearing of Insignia
- VI Education Relationship Chart

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## **CHAPTER 2**

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#### **14. CAREER DEVELOPMENT**

- |      |                                 |
|------|---------------------------------|
| I    | Statement of Purpose            |
| II   | Expectations and Goals          |
| III  | Administration of the Program   |
| IV   | Skills, Knowledge and Abilities |
| V    | Career Counseling               |
| VI   | In-Service Training             |
| VII  | Short-Term Training Assignments |
| VIII | Supervisory Skill Development   |
| IX   | Formal Education Incentive      |
| X    | Vocational Education Incentive  |

#### **15. PROMOTIONS AND TRANSFERS**

- |      |                                       |
|------|---------------------------------------|
| I    | Statement of Purpose                  |
| II   | Chief of Police                       |
| III  | Deputy Chief                          |
| IV   | Captain                               |
| V    | Lieutenant                            |
| VI   | Jail Administrator                    |
| VII  | Detention Supervisor                  |
| VIII | Promotional Process (Sworn Personnel) |
| IX   | Testing Structure                     |
| X    | Selection and Ranking                 |
| XI   | Probationary Period                   |
| XII  | Transfers Within the Department       |
| XIII | Special Assignments/Additional Duty   |

#### **16. MERITORIOUS AWARDS PROGRAM**

- |     |                               |
|-----|-------------------------------|
| I   | Statement of Purpose          |
| II  | Review Board                  |
| III | Initiation of Recommendations |
| IV  | Awards                        |
| V   | Presentation of the Awards    |
| VI  | Wearing of the Awards         |

#### **17. GRIEVANCE PROCEDURES**

- |     |                      |
|-----|----------------------|
| I   | Statement of Purpose |
| II  | Procedures           |
| III | Grievance Records    |
| IV  | Annual Analysis      |

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#### **18. DISCIPLINARY PROCEDURES**

I	Statement of Purpose
II	Administration of Discipline
III	Progressive Discipline
IV	Training as a Function of Discipline
V	Counseling Session
VI	Written Reprimand
VII	Suspension
VIII	Demotion
IX	Dismissal
X	Pre-Disciplinary Meeting
XI	Removal from Specialized Assignment
XII	Discipline while Attending Training
XIII	Immediate Relief from Duty
XIV	Relief from Duty Pending Investigation
XV	Responsibility for Court Attendance
XVI	Special Detail
XVII	Conduct when Suspended
XVIII	Advice of Charges and Decision
XIX	Appeals

#### **19. EMPLOYEE BILL OF RIGHTS**

I	Statement of Purpose
II	Statements
III	Disciplinary Actions
IV	Constitutional Rights

#### **20. COMPLAINTS OF MISCONDUCT**

I	Statement of Purpose
II	Definitions
III	Responsibility
IV	Citizen Complaints
V	Conducting the Investigation
VI	Administrative Investigations
VII	Search of Personal and Department Property
VIII	Compliance with Lawful Orders
IX	Rules for Conducting Interviews
X	Required Examinations
XI	Case Review and Closing an Investigation
XII	Investigations by Other Agencies
XIII	Records Management and Public Oversight
XIV	Officer Misconduct - Department Obligation to Report

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## **CHAPTER 2**

### **GENERAL PROVISIONS**

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#### **21. USE OF FORCE**

- |      |  |
|------|--|
| I    | Statement of Purpose                       |
| II   | Definitions                                |
| III  | General Policy                             |
| IV   | Reporting Procedures – USE of Force        |
| V    | Supervisor Responsibilities – USE of Force |
| VI   | Reporting Procedures – SHOW of Force       |
| VII  | Less-Lethal-Force                          |
| VIII | Discharge of Firearms                      |
| IX   | Deadly Force                               |
| X    | Administrative Duty                        |
| XI   | Incidents of Force Review                  |
| XII  | Training                                   |

#### **22. OFFICER INVOLVED FATAL INCIDENTS**

- |     |  |
|-----|--|
| I   | Statement of Purpose                                 |
| II  | Definitions  |
| III | Invocation of this Protocol                          |
| IV  | Investigative Agencies, Formats and Responsibilities |
| V   | News Media Relations                                 |
| VI  | Access to Reports and Evidence                       |

#### **23. BENEFITS**

- |     |                                 |
|-----|---------------------------------|
| I   | Statement of Purpose            |
| II  | General Benefits                |
| III | Military Leave                  |
| IV  | Liability Protection Program    |
| V   | Clothing and Equipment Benefits |
| VI  | Benefits through Convenience    |

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#### **24. HONOR GUARD**

- |     |                      |
|-----|----------------------|
| I   | Statement of Purpose |
| II  | Utilization          |
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#### **25. EARLY INTERVENTION SYSTEM**

- I Statement of Purpose
- II Definitions
- III Activation and Procedure for Review
- IV Reporting and Recommendations
- V Risk Analysis

#### **26. BIAS BASED PROFILING**

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- II Policy
- III Definitions
- IV General Procedures
- V Reporting
- VI Duties of Department Personnel
- VII Supervisor Duties
- VIII Training
- IX Investigating of Allegations of Illegal Profiling
- X Discipline

#### **27. SOCIAL MEDIA**

- I Statement of Purpose
- II Definitions
- III Department Sanctioned Presence on Social Media
- IV Department Sanctioned on Use of Social Media
- V Rules for Personal Use of Social Media

#### **28. BODY WORN CAMERAS**

- I Statement of Purpose
- II Policy
- III Procedures

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## ***CHAPTER 2***

### ***GENERAL PROVISIONS***

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#### **29. Unmanned Aerial Vehicle's (UAV's)**

- |     |   |
|-----|---|
| I   | Statement of Purpose                          |
| II  | Policy  |
| III | Definitions                                   |
| IV  | Procedures – General                          |
| V   | Procedures – Restrictions on the use of UAV's |
| VI  | Procedures – Audio and Video Recordings       |
| VII | Procedures – Avoiding Hazards                 |

#### **30. Tactical Robot**

- |     |   |
|-----|---|
| I   | Statement of Purpose                                      |
| II  | Policy  |
| III | Definitions   |
| IV  | Procedures – General                                      |
| V   | Procedures – Restriction on the use of the Tactical Robot |
| VI  | Procedures – Audio and Video Recordings                   |
| VII | Procedures – Avoiding Hazards                             |

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**I. STATEMENT OF PURPOSE**

Employees of the Police Department are among the most visible representatives of City Government. To the majority of people, police officers are symbols of stability and authority upon whom they rely. The conduct of employees of the Department is closely scrutinized, and when actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than the comparable conduct of persons in other walks of life. Since the employee's conduct, both on and off-duty, may reflect directly upon the Department, employees should conduct themselves in a manner which does not bring discredit upon themselves, the Department, or the City, and in a manner which exhibits the highest degree of professionalism. These Professional Standards are designed to promote efficiency, discipline, and good public relations by setting forth policies governing the conduct of all employees of the Police Department.

In keeping with professional standards of conduct, sexual harassment of employees by a member of the Department or any supervisor, co-worker, or non-employee, is neither condoned nor tolerated.

**II. AUTHORITY OF CODE**

- A. This code is set forth by the Chief of Police under the authority given to him by the City of Hobbs.
- B. The procedures, regulations, sections, sentences, clauses and phrases of this code are not intended to be in conflict with any law, ordinance, or policy of the United States, the State of New Mexico, or the City of Hobbs.
- C. If any procedure, regulation, section, sentence, clause or phrase of this code is found to be invalid, such decision shall not affect the validity of the remaining portions of the code.

**III. SCOPE**

- A. The provisions of the Professional Standards of Conduct shall be observed by all employees in order to maintain the confidence, respect and support of the public.
- B. Violations of the Code of Conduct, City of Hobbs Personnel Manual, Departmental Rules and Regulations, policies and procedures, ordinances of the City of Hobbs and/or the laws of the State of New Mexico or the United States subject offenders to disciplinary actions. Action taken on violations depends on the degree of severity, record of the offender, and seriousness of consequences of the action. *Conspiracy to violate the above is subject to the same discipline as if the actual violation was accomplished.*
- C. Disciplinary action always shall be in accordance with law and City of Hobbs Personnel Policies. All disciplinary actions are based on substantive evidence. Proof 'beyond a reasonable doubt' is not required.
- D. It is the duty of all employees to take appropriate corrective action and/or submit a written memorandum to the Chief of Police when they learn of a violation of law, policies, procedures, rules or regulations.
- E. Probationary employees may be dismissed at any time during their probationary period and shall be dismissed at the end of the period if they fail to meet minimum standards of performance or when they violate a law or regulatory decree of this code.

**CHAPTER 2**

**SECTION 1 – PROFESSIONAL STANDARDS OF CONDUCT**

(Rev. Date: 04/24/13)

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**IV. KNOWLEDGE AND COMPLIANCE WITH ORDERS**

- A. A lawful order shall be construed as any order or directive in keeping with the performance of any police or police related duty. A lawful order shall be issued either verbally, or written over the signature of the Chief of Police or City Manager, division or section commanding officer or a superior officer. An order shall not be in conflict with department policy. **The failure or deliberate refusal to obey any lawful order, whether given in writing or verbally, shall be deemed insubordination. Any order from a superior to a subordinate shall be in clear, understandable language, civil in tone, and issued in pursuance of department business.**
- B. Employees shall be provided a copy of the Professional Standards of Conduct and are charged with the responsibility of having full knowledge and understanding of all written directives which constitute the rules and regulations of the Department. Strict compliance with these regulations is required and failure to be aware of their existence or to fully understand their content is not acceptable.
- C. Should any such order conflict with a previous order, the member or employee to whom the order is given shall respectfully call attention to such conflict. If the superior officer giving the order does not alter or retract such conflicting order, his order shall stand. The responsibility for such order shall then remain with the superior officer issuing the order and the member or employee obeying the order shall not be held responsible for disobedience to any previously issued order.

**V. PROFESSIONAL CONDUCT AND PERSONAL BEARING**

- A. For the purpose of protecting life and property officers are considered to always be on-duty while in the City of Hobbs and to be prepared to act any time circumstances indicate their services are required. **Any exceptions to this rule shall be only with the approval of a supervisory officer or the Chief of Police.**
- B. Officers shall respond without delay to all calls for police service from citizens or officers. Emergency calls shall take precedence; however, all calls are to be answered as soon as possible.
- C. Employees are not allowed to have or use business cards pertaining to private business that show connection with the Department.
- D. No member of this department will authorize the use of the member's name, official title or photograph which identifies the member as being affiliated with this Department in connection with testimonials, a commercial enterprise or statements expressing a personal opinion without the express approval of the Chief of Police.
- E. Except in the performance of official duties, employees shall not engage in cards, dominos, billiards, or any other game in any public place while on-duty. All employees shall consider themselves on-duty even when they are taking authorized breaks. Public places do not include break rooms in the police building that are not accessible to the public.
- F. While on duty, employees shall devote their time and attention to the business of the Department. Employees must remain alert, observant, and occupied with police business during their tour of duty.
- G. Employees shall not exhibit cowardice or shirk their duty.
- H. No member of this Department shall recommend or suggest (or recommend against) any specific legal counsel to any citizen in any way when it concerns any legal proceedings involving any law enforcement agency in this county.

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**CHAPTER 2**

**SECTION 1 -- PROFESSIONAL STANDARDS OF CONDUCT**

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- I. No member of this department shall recommend or suggest to any arrestee or any other person the name of any bail bondsman; but if asked, may supply the names and telephone numbers of all bonding companies authorized to perform bonding functions in this area.
- J. While on duty, under color of law, or on the premises of the Department, employees shall not:
1. conduct themselves in such a manner as to bring discredit upon themselves or the Department or *violates any HPD rule, policy or regulation*. This shall also apply to off-duty conduct which diminishes the integrity of the City's service, in accordance with Personnel Rules;
  2. use indecent, profane or harsh language;
  3. *use racially derogatory remarks and or conduct*, or address anyone in harsh, derogatory, or belittling terms;
  4. engage in gambling.
- K. Employees shall make a timely report of all incidents or matters that require a report or memorandum. These shall be made in the manner and form prescribed by departmental policy and when submitted shall be complete and accurate. Any information that is added to a completed report, complaint or citation, after copies have been disbursed and that may affect the actual charge, shall be done through the appropriate attorney (i.e. city attorney, assistant district attorney). The change shall be done in a manner that is expeditious in order that the prosecuting attorney may properly serve the defendant notice of such change. Nothing shall be added to a citation, complaint or other court document, unless those additions are made to the defendant's copy. This does not limit the officer from making additional notes to the police department's copy of the citation, in the space provided or on the back of the citation.
- L. Employees shall not intentionally misrepresent any matter, sign any false official statement or report, perjure themselves, or give false testimony before any court, grand jury, board, commission or official hearing.
- M. Untruthfulness will not be tolerated. Members and employees are required to speak the truth at all times and under all circumstances whether under oath or otherwise. In cases where they are not allowed, by rules and regulations of the service, to divulge facts within their knowledge, they shall say nothing. Failure to comply with the above shall be grounds for disciplinary action against the offending member or employee. The exception to this is officers involved in an investigation where his/her investigation may be hampered.
- N. No member of this Department shall seek to obtain any compromise or dismissal of any case in court out of friendship for the defendant or any other person.
- O. Employees of the Department shall not publicize or release internal or confidential information of the Department.
- P. Employees shall not address a public gathering, appear on radio or television, prepare any articles for publication, release or divulge investigative information or any other matter of the Department, while holding themselves as a representative of the Department in such matters, unless delegated or authorized to do so by a supervisor.

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- Q. Employees of the Department shall not criticize or ridicule the Department, its policies, or other officers or employees by speech, writing, or other expression, when such speech, writing, or other expression:
1. is defamatory, obscene, or unlawful;
  2. tends to interfere with or to undermine the effectiveness of the Department to provide public services;
  3. tends to interfere with the maintenance of proper discipline;
  4. tends to adversely affect the confidence of the public in the integrity of the Department and/or its officers and employees;
  5. improperly damages or impairs the reputation and efficiency of the Department; or
  6. is made with reckless disregard for truth.
- R. An officer/employee shall not perform a police function in which any of the parties are relatives, neighbors or might otherwise indicate a conflict of interest if the police function can be reassigned. Officers shall not use their police powers to resolve personal grievances. The exception to this is if circumstances demand immediate action such as self-defense, the prevention of injuries to others, or when a serious offense has been committed. In these instances the officer/employee will perform the police function, but will summon on-duty police personnel for any further action and notify their supervisor at the earliest opportunity.

#### **VI. PUBLIC RELATIONS - GENERAL**

- A. A member or employee shall be cognizant that public relations is the sum total of the attitudes, impressions and opinions of the public in relation to the Police Department. Employees shall understand the mutual advantages of a friendly relationship between the citizens of Hobbs and department personnel. Courtesy toward the public is demanded of all members and employees. No member of the department shall use violent, profane or insulting language. All members shall cultivate the ability to meet and interact with people. In dealing with the public, employees shall do his best to win the approval of all law abiding citizens by an impartial discharge of his duties.
- B. A member or employee shall maintain a strictly professional attitude toward both complainants and violators. Employees shall not speak derogatorily of any race, nationality, creed, or belief of any person. Officers will treat all persons fairly and equally in the enforcement of the law without regard to race, gender, sexual preference, religion, or ethnic origin.
- C. All employees of the department shall, when called upon to do so by any person, give their name in a courteous manner. This does not apply to officers working in an undercover capacity where such disclosure could jeopardize the officer's safety or the investigation.

#### **VII. TELEPHONE PUBLIC RELATIONS**

Each member or employee shall be responsible for the quality of the telephone service within the Police Department. He shall answer the telephone promptly as a simple courtesy to the calling party. Each member shall identify himself by duty assignment and surname so that the calling party will know they have reached the correct division or section. They shall record all fact or details pertinent to the call. Each member placing an outside call shall identify himself by surname, department and duty assignment. Members shall transfer a telephone call only when absolutely necessary.

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**VIII. DEPARTMENT REPRESENTATION**

- A. A member of this department shall not attend any public functions, or make public appearances on radio or television while acting as a representative of this department without prior approval of the member's division Captain.
- B. Nothing in this section shall prevent any member of this department from engaging in any of the listed activities when the member is not identified as representing the department (and not in uniform), the subject matter is not police related and the member is off duty.
- C. A member of this department must obtain approval from the Chief of Police before engaging in any of the following activities:
  - 1. publishing any police related articles or essays;
  - 2. acting as correspondent for a newspaper or periodical;
  - 3. making any press release or divulging any information concerning the operation of this department to the public; or
  - 4. instructing any criminal justice or related courses while functioning as a representative of this department.
- D. Any member of this department wishing to engage in public speaking or other activities covered in these sections will submit the information and/or material to be used through the chain of command.

**IX. SALUTING THE NATIONAL ANTHEM, PLEDGE OF ALLEGIANCE, PASSING THE UNITED STATES FLAG**

- A. When the National Anthem is played, Pledge of Allegiance spoken or the United States Flag passes, all members of this department who are in uniform and wearing headgear will stand, face the flag and salute with the right hand. Members who are in uniform, but not wearing headgear and members not in uniform will stand, face the flag, and place their right hand over their heart. Members not in uniform will remove any headgear and place it in their right hand over their heart. This position will be maintained until the anthem or pledge is finished, or the flag has passed. If the police duty being performed prohibits this action, the member will continue with the duty.

**X. SOLICITORS**

No person shall be allowed in offices or hallways of the Department to sell goods or offer them for sale, or to canvass or solicit for any purpose, unless specifically authorized by the Chief of Police. If vendors are given permission to sell goods or services within the confines of the police building, they shall do so in a designated area only. Employee attendance is voluntary and scheduling shall not be done so as to be a part of any employee's duty assignment.

**XI. USE OF TOBACCO**

Employees shall not smoke tobacco while in a City building, a city owned vehicle, in a formation, engaged in traffic direction, or while interacting with the public.

- A. Smoking

Police employees shall only smoke in designated areas. These areas include the north east side of the gun range (away from the range door) in the south parking lot, and the east side of the police

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department. Smoking in or around the other parking lots, any entrance or exit is prohibited. The entire police facility is non-smoking by policy and by state statute. Signs indicating areas designated as No Smoking and Smoking Permitted will be placed accordingly.

**B. Smokeless Tobacco**

Police employees using smokeless tobacco while in a city owned vehicle with a closed passenger compartment shall discharge the bi-products of such tobacco into a receptacle which is not likely to spill or overturn. Employees shall not expectorate tobacco bi-products from said city owned vehicles or while interacting with the public.

**XII. INTOXICATING BEVERAGES AND DRUGS**

**A.** Employees shall not keep alcoholic beverages or illegal drugs, except for evidence, in any city owned vehicle, any part of the police complex or on any property used by the City, unless authorized in connection with official duties.

**B.** Employees shall not report for duty with the odor of an intoxicating beverage on their breath, or consume any alcoholic beverage while on-duty.

Officers working in an undercover capacity shall not consume any alcoholic beverage or illegal drugs unless they believe it is absolutely necessary and his role would be compromised or the possibility of danger would exist to him or others. If an officer working in an undercover capacity finds it necessary to consume alcohol, it will not be to the point of intoxication. At any time in which an undercover officer finds it necessary to consume alcohol or illegal drugs, said use and the circumstances will be reported in writing to his supervisor within 24 hours.

**C.** While on duty, a member of the Department will not frequent or loiter at any place where intoxicating liquor is sold or furnished except in the performance of official police duty.

**D.** Employees shall not operate a city vehicle after consuming alcoholic beverages, unless that employee is working in the capacity as an undercover officer, or in specific circumstances, approved by the Chief of Police. In these situations, that employee shall remain cognizant of his alcohol consumption and shall not drive while impaired.

**E.** No member of this department, while in uniform, will enter in any premises where intoxicating liquor is sold or furnished for the purpose of consuming or purchasing intoxicating beverages.

**F.** Employees, while off duty, shall not consume any alcoholic beverage to the extent that results in the commission of any obnoxious or offensive behavior in a public place. Any use of intoxicating liquor to the extent that it renders said member unable to report for their next scheduled tour of duty or which tends to bring discredit on the member or the department will be subject to disciplinary action.

**G.** Employees shall not use any type of illicit/illegal drug or substance, and the use of any prescribed medication must be prescribed to the individual using such medication. Any employee who is taking medication which according to the warning label or their physician could impact their ability to perform their job is required to bring this to the attention of the Department.

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**XIII. GRATUITIES**

- A. Employees shall not borrow money or accept gifts or favors, or purchase any article from a habitual violator of the law or any person under arrest, detention, or suspected of a crime under investigation by the department except as an official act of a documented investigation.
- B. Employees shall not accept or solicit any reward, fee, or compensation of any type including free or reduced prices on any goods or services for any service rendered in the performance of duty other than the salary paid by the City. Exceptions will be at the discretion of the Chief of Police.

**XIV. RELATIONSHIPS WITH CO-WORKERS**

- A. Rules and regulation governing contact between employees are designed to reduce personal and physical irritants that may act to destroy the unity and efficiency of the department's operation. Employees shall treat other employees with respect.
- B. Employees shall act together and protect one another in times of danger, stress or under circumstances where danger might reasonably be expected.
- C. In addressing or referring to a superior officer, his full title shall be used. Employees shall not use threatening, insulting, abusive or indecent language toward a superior officer, subordinate, or co-worker, whether on or off duty.
- D. In issuing instruction or correcting misconduct, supervisors shall not use abusive, insulting or indecent language toward a subordinate.
- E. Members shall not participate in any practical joke that could adversely affect the physical or mental well being of an employee or that may affect the reputation and integrity of the department.

**XV. PROTECTION OF PERSONS RIGHTS AND PROPERTY**

- A. Officers shall not arrest any person or search any premises or person without an arrest warrant or search warrant unless such arrest or search is authorized without a warrant by law. Officers shall protect the rights of persons held in custody and shall not verbally abuse or use unnecessary force against any person. No person shall be falsely arrested, imprisoned or prosecuted. Officers shall not seize any property that is not authorized to be seized by law.
- B. The use of force in effecting an arrest shall be used only as authorized by law and the Department Use of Force Policy. Employees who lose, damage, or destroy property belonging to a person in custody may be required to make restitution if the loss or damage is the result of negligence or malice. Employees who lose, damage or unlawfully destroy a person's property may also be subject to disciplinary action by this department.

**XVI. POLITICAL ACTIVITIES**

- A. Employees of the Department are not permitted to take an active part in any political campaign for an elective position of the City if they are in uniform or on-duty or in any office, building, or facility of the City of Hobbs.
- B. The term 'active part' means making political speeches, passing out cards or other political literature, writing letters, signing petitions, actively and openly soliciting votes and making derogatory remarks about a candidate for such elective position.



- C. Officers are not required to contribute to any political fund or render any political service to any person or party. No person shall be removed, reduced in classification or pay, or otherwise prejudiced for refusing to do so.
- D. Candidates for political office who wish to campaign inside Police Headquarters shall be required to contact the City Manager or his designee to make the necessary arrangements. Employee attendance is voluntary and the scheduling shall not be done so as to be a part of any employee's duty assignment.
- E. Employees shall not wear campaign buttons or other markings nor participate in any political campaign while in uniform or on-duty. Campaign bumper stickers shall not be displayed on City owned vehicles or in City offices.
- F. Employees shall not use the prestige of their office or position with the City for any partisan candidate.
- G. Employees may become a candidate for elected office as long as it has no direct or indirect contractual relations with the City of Hobbs and there is no conflict of interest with the City of Hobbs employment.
- H. Employees shall not become members of any organization, association, movement or group that advocates or approves of acts of force or violence to deny others their rights under the U.S. Constitution or which seeks to alter the form of government of the United States by unconstitutional means.
- I. Employees shall not participate in any disruptive protest or demonstration, or act as spokesperson, representative, or agent for any group engaged in or planning any type of disruptive demonstration.

## **XVII. HARASSMENT IN THE WORKPLACE**

### **Policy**

It is the policy of the Hobbs Police Department that all employees shall have the right to work in an environment free of all forms of harassment. This is intended to promote and maintain a healthy working environment which affords Hobbs Police Department employees the opportunity to perform their duties to the fullest potential, and to provide a process for reporting, investigating and resolving complaints of discrimination and harassment, including sexual harassment. The Hobbs Police Department strictly prohibits and will not tolerate any discrimination or harassment of any employee or any inappropriate behavior which is based on or which in any way relates to the employee's race, color, gender, age, religion, ancestry, sexual orientation, gender identity, marital status, national origin, or physical or mental disability. The department will take direct and immediate action to prevent and correct any such behavior involving instances of discrimination, harassment or inappropriate behavior.

### **A. Definitions**

**Discrimination** - The act of showing prejudice toward an employee or treating an employee differently based on his race, color, gender, age, religion, ancestry, sexual orientation, gender identity, marital status, national origin, or physical or mental disability.

**Harassment** - Includes, but is not limited to, any kind of vulgar comments, statements, innuendoes, slurs, derogatory comments, jokes, pranks, circulation or posting of pictures or other materials, and other verbal or physical conduct which is of a sexual, racial, ethnic, religious, citizenship related, cultural, age related, and /or disability related nature.

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Inappropriate Behavior - Includes, but is not limited to any comments or conduct which others find offensive or degrading, even though they may not constitute “sexual harassment” or other prohibited harassment and/or discrimination.

Sexual Harassment - Unwelcome and unsolicited sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or,
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or,
3. Such conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive working environment.

**B. Prohibited Activity**

1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
2. Employees shall not make offensive or derogatory comments based on gender, sex, sexual orientation, age, national origin, ancestry, citizenship, religion, or disability directly or indirectly to or about another person. Such harassment is a prohibited form of discrimination under State and Federal employment laws.

**C. Employee Responsibilities**

1. All employees are responsible for avoiding situations which involve actual or apparent general or sexual harassment and shall assist in the prevention of harassment by refraining from participating in, or encouraging, actions that could be perceived as harassment.
2. All employees shall report acts of harassment and encourage any employee, who confides that he is being harassed, to report these acts via the proper procedure.
3. Supervisors shall ensure that each work place has an atmosphere free from harassment for all employees. Supervisors shall monitor their respective work environments and shall stop any acts whenever they observe or are made aware of any action that may be considered harassment by taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
4. Supervisors shall counsel all employees on the types of prohibited behavior and the police department’s procedures for reporting and resolving complaints of harassment and shall take immediate action to limit the contact between two employees where there has been a complaint of harassment, pending the outcome of an investigation.
5. Every supervisor has the responsibility to assist any employee who comes to them with a complaint of harassment in documenting and filing a complaint for investigation.
6. Failure on the part of any employee to take action to stop known harassment and/or to report to a supervisor may be grounds for disciplinary action.

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D. Complaint Process

1. Acts of harassment, inappropriate behavior, or sexual harassment, in their more subtle forms, such as teasing or flirting, may or may not be perceived or intended by a person to be harassment. When an employee is offended by the sexual advances of another, that employee should make an attempt to prevent further advances by notifying the offending party that the advances are unwelcome. This notification will, in many cases, be all that is necessary to resolve the problem. However, any advances may be reported at the discretion of the employee and should be reported if the advances continue.
2. Unwelcomed blatant sexual advances of a verbal or physical nature should be reported immediately. All employees are encouraged to report acts of sexual harassment as soon after the incident as possible. Those parties involved in the investigation of the complaint will discuss the contents of the investigation only with the investigator(s) or command staff.
3. Initial complaints should be made orally or in writing to the Director of Human Resources.
4. All complaints shall be investigated to insure that a resolution is made.

E. Non-Retaliation

The police department prohibits any retaliation against any employee for making reports of harassment, discrimination, or other inappropriate conduct. As noted above, the police department emphatically urges that all violations of this policy be reported immediately.

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**I. STATEMENT OF PURPOSE**

The professional police employee is recognized by a clean, neat, and professional appearance whether in uniform or plain clothes and must strive to look professional at all times. Supervisors shall assure that employees within their command maintain this appearance. When an officer is required to perform a special assignment, the Division commander will specify the appropriate uniform to be worn.

**II. UNIFORMS**

- A. All officers of this department shall possess at all times a serviceable uniform and all necessary equipment to perform uniformed field duty. It shall be maintained in a clean, serviceable condition.
- B. Officers, excluding exempt employees, who are assigned or performing patrol division functions, shall wear the prescribed uniform and equipment during their tour of duty.
- C. When wearing of a uniform is not practical because of work conditions and when prior exception has been granted by the Chief of Police, or his agent, certain officers may be exempted from wearing the prescribed uniform.
- D. Officers shall wear only the uniform specified for their particular rank and assignment. No part of the uniform shall be worn with civilian clothing unless authorized for special assignment.
- E. Jewelry or personal ornaments shall not be affixed to any part of the uniform or equipment, except as authorized.

**III. INSIGNIA**

**A. Badges**

- 1. All uniformed officers will wear the proper badge of office.
- 2. The outermost garment will display either the medal or the authorized embroidered badge.
- 3. Issued or authorized medal breast badges will be worn centered above the left shirt pocket either in the standard badge tab or with the bottom point of the badge not more than 2" above the top edge of the pocket flap seam.
- 4. Additional badges may be purchased by officers at their own expense for off-duty use with the following restrictions:
  - a. Approval shall be obtained from the Chief of Police prior to purchases;
  - b. Any additional badges shall be recorded on the officer's inventory card;
  - c. If the badge contains the name "Hobbs" or "New Mexico" on it, it will be turned in or destroyed upon termination of employment, unless authorized in writing by the Chief of Police as a memento to a retiring officer;
  - d. The city will not reimburse the cost of such badges to the officer under any circumstances.

**B. Flag Bar**

The flag bar will be worn centered above the name plate and any other authorized badges or medals (except awards medals) will be worn centered above the flag bar.

**C. Classification Insignia**

Classification badges will be worn centered with the top edge even with the top of the left front pocket.

**D. Nameplate**

1. All officers will wear a nameplate that clearly shows the officer's name.
2. Name plates will be worn centered above the right shirt pocket with the lower edge of the name plate aligned with and touching the top pocket flap seam.

**E. Patches**

Department issued or authorized patches and stripes will be worn on the police uniform to identify the officer's organization, rank and/or length of service. Only those items issued by or authorized by the department will be worn. Wearing of these items will conform to the following:

**1. Shoulder patches**

- a. Shoulder patches will be worn on both sleeves of all uniform shirts.
- b. The patches will be centered on the outside sleeve crease, with the top edge of the patch approximately 2" below the shoulder seam of the shirt.
- c. The identical patch will be worn on the sleeves of uniform coats and jackets (except raincoats). Positioning will be the same as given for shirts.

**2. Chevrons**

- a. Fabric Sergeant chevrons will be worn on both sleeves of all uniform shirts, only by those officers with the rank of Sergeant.
- b. The upper point of the chevron will be centered below the shoulder patch.

**3. Longevity stripes**

- a. These will be worn on the left sleeve of the long sleeve uniform shirts.
- b. The stripes will be centered on the outside sleeve crease with the lowest stripe one inch above the upper cuff seam.
- c. Gold stripes (one for each five years of service) will be worn below silver stripes (one for each year of service up to four).

**IV. FOOTWEAR**

Either boots or shoes are acceptable footwear for uniformed sworn employees. As a safety factor, it is recommended that officers seriously consider crepe/neoprene soles or a similar substance. Whichever footwear is chosen, they must be maintained with a high shine and must conform to the following guidelines:

**A. Boots**

1. Boots will have round or semi-round toes; some stitching is permissible on upper portions so long as a high shine is capable.
2. A walking heel, double soles and heels are permissible if capable of a high shine.
3. Boots will be worn with black socks so long as the bare skin is not shown when the pant cuffs rise.

**B. Shoes**

Shoes will be either oxford style (low cut) or chukka style (high top) worn with black socks.

**V. LEATHER GEAR**

- A. All leather gear will be black in color with a basket weave finish and shall be clean, dyed, and shined and shall be replaced when it is cracked or worn out.
- B. Leather will consist of holster (issued), cuff case (flap type), ammunition carrier (issued), radio holster (issued), baton ring (issued), Asp holder (issued), sufficient number of keepers to secure belt, and a Sam Browne belt (standard police 23" wide).
- C. Non-supervisory uniformed officers will wear chrome hardware on their belts (if any is worn). Supervisory uniformed officers will wear brass hardware on their belts (if any is worn).
- D. Uniformed officers assigned to station duty may elect to wear a black leather belt (under-belt type or similar, commonly known as a 'Garrison belt') rather than the normal 'Sam Browne' belt. The station duty belt must have a minimum width of 1 1/2" and of the same finish as required for the regular duty belt.

**VI. HEADGEAR**

**A. Uniform Caps**

1. The issued uniform cap (baseball style) may be worn by any uniformed officer while on duty during in-climate weather such as rain or snow, or when exposed to the sun for a lengthy period of time (i.e. traffic crash or outdoor event).
2. In order to promote a professional appearance, the uniform cap will not be worn indoors, or when inside a patrol unit.
3. The issued knit cap may be worn if temperature reaches 30 degrees or below.
4. No other headgear is authorized to be worn, with the exception of the issued helmet.

**B. Helmets**

The department issued helmet will be worn securely fastened. It will be used in the following listed activities to provide added protection for the officers:

1. while working extra duty assignments where wearing the helmet has been directed;
2. foreseeable crowd conditions where violence has been demonstrated or is potentially present;
3. any other call where the officer feels the protection is needed, or potentially needed.

**VII. TRAFFIC VESTS**

The department issued reflective traffic vest will be used when the officer is in the roadway exposed to vehicular traffic.

**VIII. BODY ARMOR**

All commissioned officers who are primary responders will wear their issued body armor while on active duty unless otherwise directed by their Division Captain. All others will have it immediately available.

**IX. INSPECTION OF UNIFORMS**

A. Shift supervisors will view shift personnel to ensure that uniforms are being worn in like and proper manner, are neat in appearance, serviceable, and that equipment is being maintained properly.

1. Damage to uniforms due to a work related incident will be repaired at the department's expense.
2. Damage to uniforms due to a non-work related incident will be repaired at the employee's expense.
3. Personal appearance of officers will also be noted during this inspection.

**X. UNIFORM REPLACEMENT**

A. It is the intent of the Department to provide uniforms which allow employees to meet the professional image which has been set. To meet this intent the following procedures have been established:

1. When a uniform suffers irreparable damage, whether due to normal wear or as the result of an action, the employee needs to return the item to the Police Supply Specialist.
2. The Police Supply Specialist shall inspect the uniform before replacement to verify it is not serviceable.
3. If a uniform suffers repairable damage due to a work related incident, any repairs will be paid for by the Department.
4. If a uniform suffers repairable damage as the result of an action which is not work related, the employee will be responsible for the repairs.

**XI. SEASONAL UNIFORMS**

Officers are allowed the option of wearing their short sleeve or long sleeve uniform shirt throughout the year. Officers will need to ensure that the uniform of choice meets the department's standards as outlined below.

**A. Short sleeve**

1. No necktie is worn and the collar button unfastened.
2. The appropriate, closed neck, fitted T-shirt will be worn under the shirt.

**B. Long sleeve**

1. Can be worn with an open collar, not tie, with a closed neck, fitted t-shirt underneath.
2. When appearing in court or public meeting a tie will be worn. Only tie bars or tie tacks authorized by the department will be worn on the uniform.

**C. Approved Under Shirts**

1. A black closed neck, fitted T-shirt will be worn year round with the standard issued uniform.

**D. Summer Event Uniform**

1. Uniformed officers will be provided with one summer event uniform each. The uniform will consist of a cap, shirt and BDU style pants or shorts. The uniform will be worn with a black closed neck T-shirt. Whether to wear pants or shorts will be the individual officer's decision unless directed by the shift commander. Acceptable footwear is black in color professional sports shoes..
2. No part of the uniform may be worn separately with the exception of the cap.
3. Officers are authorized to wear the summer event uniform during special outdoor summer events. Permission for officers to wear the summer event uniform must be obtained by the Division Captain prior to the event.

**XII. APPEARANCE GUIDELINES**

**A. Hair**

1. Hair should be neatly trimmed and combed. It should be worn in contemporary styles;
  - a. men: hair should not be full to the point of extending over the collar or covering more than one half of the ears.
  - b. women: hair should be neatly maintained without exaggerated styling.
2. Sideburns will be kept trimmed and not bushy. They shall extend no lower than the bottom of the earlobe and not over one and one-half times the width of the sideburn at the narrowest point.



3. Moustaches will be neatly trimmed and not bushy. They shall not be of an extreme type nor extend below the corners of the mouth or the upper border of the upper lip.
  4. Beards will be allowed for male employees only in non-uniformed positions who are not assigned to SWAT or other duties requiring potential wearing of gas mask. Beards will be neatly trimmed and maintained, and will not be started during the work week. Employees other than those will be clean shaven at all times while on duty.
- B. Makeup will be within contemporary standards for business professionals and in good taste. Excessive or gaudy makeup is not permitted.
- C. Fingernails shall be kept clean and trimmed. Female employees may wear fingernail polish in keeping with the contemporary standards for business professionals and in colors compatible with their clothing.
- D. Sunglasses
- Sunglasses may be worn if they are in keeping with a professional appearance. Mirrored sunglasses are prohibited. Straps may be worn if they are black or navy.
- E. Body Art / Piercings
1. The display of tattoos is permissible, regardless of its physical location. Tattoos consisting of a pornographic, gaudy, unprofessional or disrespectful nature will be concealed to the greatest extent possible by an authorized uniform/clothing or natural colored cosmetics or other Department approved method. "Permanent Makeup" is acceptable provided it is applied in a manner consistent with makeup appearance policies.
  2. With the exception of the earring policy, visible body piercings shall not be worn while on-duty or when otherwise representing the Department.

### **XIII. JEWELRY FOR UNIFORMED PERSONNEL**

- A. Officers in uniform may wear a wristwatch or identification bracelet.
- B. Religious medals may be worn but must have a minimum chain length of 18" and not be visible.
- C. Only one pair of ear studs may be worn by female officers. Male officers shall not wear earrings or ear studs.

### **XIV. DETENTION DRESS CODE**

- A. All detention personnel will wear the approved and issued uniforms and meet all other appearance guidelines as specified elsewhere in the policy for uniformed personnel.
- B. A white, closed neck, fitted T-shirt (polo type) will be worn under the shirt with the collar button unfastened.
- C. Black footwear will be worn. Black socks will be worn with shoes.

**XV. DRESS CODE FOR NON-UNIFORMED PERSONNEL**

- A. In order to meet the professional image which the Department strives for, sworn personnel assigned to the Criminal Investigation Division and other designated administrative personnel are provided with a yearly clothing allowance. These funds will be treated as salary and taxed during the pay period of reimbursement.
- B. Employees who wear civilian clothing shall do so in a manner that is complimentary to the individual and generally acceptable to the business community.
- C. Employees should report for work in conservative apparel appropriate to an office setting. Very casual clothing (including jeans--blue denim and colored and shorts), play clothes and evening wear are not appropriate for normal work routines. Some exemptions may apply when it is appropriate to the specialized assignment or specific job task.
- D. Footwear shall be dress or semi-dress. Tennis shoes and jogging shoes are not permitted.
- E. The above dress requirement may be waived in emergency situations, call-outs, medical necessity or with the approval of the Division Captain.
- F. Employees assigned to specialized or specific duties may wear work clothing appropriate to the nature of their work. Work clothing is not considered a uniform and shall not be worn in lieu of the regulation uniform or proper civilian dress.

**XVI. DRESS CODE WHILE TRAINING OR ON RESTRICTED DUTY STATUS**

Personnel on restricted duty or in training must be neat and clean in appearance and shall wear civilian clothing unless otherwise cleared through the Division Captain.

**XVII. DRESS CODE FOR COURT APPEARANCE**

- A. Male employees shall wear either the seasonal uniform, suit and tie, or a Sports coat with slacks and tie.
- B. Female employees shall wear either the seasonal uniform or professional dress/slacks.

**XVIII. USE OF POLO SHIRTS**

During representation of the Department at special events, an employee may wear the authorized department polo shirt with the approval of the Division Captain or designee. Employees will abide by other appearance guidelines as set forth in the section, and the shirts will not be worn by off-duty employees.

**XIX. FITNESS**

- A. Employees are encouraged to utilize the workout equipment, which is provided by the department, as manpower allows.
- B. If manpower and individual duties allow, supervisors may allow employees to work out on duty. However, if needed, the employee will return to duty even if their work out is not complete.
- C. Employees are strongly encouraged to maintain a fitness level which is adequate to perform the duties of their position.

## **CHAPTER 2**

### **SECTION 3 – USE, CARE AND MAINTENANCE OF EQUIPMENT**

(Rev. Date: 06/06/2017)

#### **PAGE 1**

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#### **I. STATEMENT OF PURPOSE**

Employees are accountable for equipment furnished by the City of Hobbs. This policy is to provide regulations for the use, care and maintenance of this equipment, as well as a procedure for its repair and/or replacement.

#### **II. PERSONAL ASSIGNED EQUIPMENT**

- A. Employees shall keep all department property entrusted to them in a safe and serviceable condition. Loss, damage to, or unserviceable condition of this equipment shall be reported by the employee to their Supervisor as soon as possible. Employees may be required to pay for the repair or replacement of equipment that is damaged or lost because of negligence or intentional damage, and may face disciplinary action.
- B. All departmental property shall be used for official purposes only, in the capacity for which it was designed and only by the employee to whom it is assigned, except in emergencies or when otherwise directed by competent authority. When an employee of the department leaves the service of the police department, they will surrender all department property in their possession to the Police Operations Secretary or the Division Captain.
- C. Departmental property shall not be thrown away, sold, destroyed or otherwise disposed of without proper authority.
- D. Equipment assigned to employee remains the property of the City of Hobbs and may be inspected at any time by any supervisor.

#### **III. TEMPORARY ISSUED EQUIPMENT**

- A. Equipment temporarily issued to personnel will be logged on appropriate forms. Supervisors will be responsible for issuing and receiving the equipment and the log will be maintained by the supervisor.
- B. Personnel will follow the guidelines for temporary equipment as is required for assigned equipment.

#### **IV. POCKET RECORDER**

The Police Department provides pocket recorders for officers and detectives which are valuable tools, both in the investigation of criminal and personnel matters. The Department has determined that their use should not be discretionary:

- A. Officers/Detectives will utilize their pocket recorders during any and all citizen contact in the course of their duties. This includes the booking of prisoners. Consideration will be given to the urgency to the situations.
- B. Officers/Detectives will maintain the recorded conversations for a minimum period of 30 days. It will be the officers/detectives discretion whether or not to maintain said recording after that period, keeping in mind the potential for evidence and/or resolving complaints.
- C. Media which have evidentiary value shall be entered into evidence.

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**CHAPTER 2**

**SECTION 3 – USE, CARE AND MAINTENANCE OF EQUIPMENT**

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**V. IN-CAR LAPTOP COMPUTERS**

- A. Messages transmitted from the laptop are received by the person you are sending them to and the main computer. This means there is a record of every transmission and the content (text) of the message. These messages are subject to release to the public, courts, etc. All employees must take this into consideration and ensure that all transmissions are of a professional nature.
- B. Drinks and other liquids shall not be placed in an area where they can be spilled or leak on the laptop.
- C. Efforts should be made to keep the laptop from getting too hot during warm weather. This can be accomplished by running the air conditioner when the car is in use and placing a towel or cloth over the laptop when the vehicle is not in use.
- D. The lid/screen must remain closed while the vehicle is in motion. This will prevent the operator from working on the computer while driving and will help ensure that the lid does not become an air bag induced projectile in the event of an accident.

**VI. MOBILE VIDEO RECORDING SYSTEM**

- A. The mobile video recording system is designed to provide an audio/video record of events as they happen. Officers shall adhere to the following procedures when utilizing mobile video recording (MVR) equipment.
  - 1. MVR equipment installed in a vehicle is part of the vehicle package and is the responsibility of the officer assigned to that vehicle and will not be removed from the vehicle without approval of the officer's supervisor. Installation and removal of MVR equipment will only be done by authorized personnel as designated by the department. MVR equipment will be maintained according to manufacturer's recommendations.
  - 2. Prior to each shift, officers shall determine whether the MVR equipment is working satisfactorily. They shall bring any problems to the attention of their supervisor.
  - 3. The MVR system must be in the RECORD mode during any traffic stop or emergency run. In addition, the MVR may be engaged at the discretion of an officer to record other citizen contacts.
  - 4. Officers shall ensure that audio is recorded in conjunction with their video recording.
  - 5. Officers should ensure that the video camera is properly positioned and adjusted to record events.
  - 6. Officers shall not intentionally tamper with or in any manner alter MVR media.
  - 7. Officers should ensure that they are equipped with an adequate supply of video tapes to complete their tour of duty.
  - 8. All completed tapes shall be properly labeled with evidence tags and identified prior to being submitted for storage at the end of the tape. This shall include information (report numbers, etc.) which will help identify what evidence may be contained on the tape.
  - 9. Officers shall only use video tapes that are approved and issued by the department.

B. Tape Control and Management

1. Media containing information that may be of value for case prosecution or any criminal or civil proceedings shall be safeguarded as other forms of evidence. As such, the media will be subject to the same security and chain of evidence detailed in departmental evidence policies.
2. Media not scheduled for court proceedings or other department use shall be maintained by the Patrol Services Sergeants for a minimum of 30 days. All media shall be maintained in a secure manner that ensures efficient identification and retrieval.
3. No video tape shall be reissued for operational use unless it has first been completely erased by the Sergeant. Erasure will be done only by use of a department supplied electromagnetic eraser.

C. Supervisory Responsibilities

1. Supervisors shall ensure that all officers follow established procedures for the use and maintenance of MVR equipment, handling of video/audio recordings, and the completion of MVR documentation.
2. Only supervisors, or acting supervisors, shall remove the tapes from the equipment when needed to either replace or review a tape.
3. Supervisors shall randomly review tapes and recordings to assist in periodic assessment of officer performance, determine whether MVR equipment is being fully and properly used, and identify material that may be appropriate for use in training.
4. Supervisors shall ensure damaged or non-functional MVR equipment is reported for repairs.

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**CHAPTER 2**

**SECTION 3 – USE, CARE AND MAINTENANCE OF EQUIPMENT**

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**VII. INTRA-NASAL NALOXONE**

- A. The purpose of this policy is to establish broad guidelines and regulations governing the utilization of naloxone by trained officers within the Hobbs Police Department. The objective is to treat and reduce the severity of injuries and fatalities due to opioid-involved overdoses when officers are the first to arrive at the scene of a suspected overdose.
- B. It is the policy of the Hobbs Police Department that officers shall assist any person(s) who may be suffering from an apparent opioid overdose, if at least two officers are on-scene prior to administration of Naloxone. Included in this policy are officers and/or employees of the Hobbs Police Department should officers/employees be exposed to opioids and display signs of overdosing. Officers are required to complete a Department of Health-approved training on naloxone for law enforcement and maintain current record of training completion.
- C. Legal Background: In 2001 the New Mexico State Legislature provided authority and release from liability for persons “other than a licensed health care professional” to administer an opioid antagonist to an individual whom they believe to be experiencing a drug overdose (New Mexico State Law, NM Stat § 24-23-1). Law enforcement officers can serve as “trained targeted first responders” as outlined in New Mexico Department of Health Rules describing opioid antagonist programs (NMAC 7.32.7.1).
- D. Definitions:
  - 1. **Opioid:** A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress the activity of the central nervous system; these will reduce pain, induce sleep, and in overdose, will cause people to stop breathing. First responders often encounter opioids and opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®), Percocet®, and hydrocodone (Vicodin®).
  - 2. **Naloxone:** A prescription medication that can be used to reverse the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan®.
  - 3. **Intra-nasal Naloxone Kit:** Should include the following:
    - Two (2) prefilled luer-lock syringes, without needles, each containing 2mg of naloxone in 2ml of solution, and within their manufacturer assigned expiration dates.
    - Two (2) mucosal atomizer device (MAD) tips, compatible with standard luer-lock syringes.
    - Instructions on overdose response and naloxone administration
- E. Training
  - 1. Prior to issuance of the naloxone kit, officers shall be trained in opioid overdose recognition and response, including the administration of intra-nasal naloxone, by a

trainer approved by the New Mexico Department of Health.

2. Officers shall receive a refresher training every year, which may be done in conjunction with First Aid/Cardiopulmonary Resuscitation (CPR).

3. The Chief of Police shall designate a member of HPD to serve as the coordinator responsible for administration of the department's Intranasal Naloxone Program.

F. Issuance

1. Naloxone kits will be issued to officers.

2. Naloxone will be provided in a clearly marked kit for intranasal administration. Each intranasal naloxone kit shall include:

- Two (2) prefilled luer-lock syringes, without needles, each containing 2mg of naloxone in 2ml of solution, and within their manufacturer assigned expiration dates.
- Two (2) mucosal atomizer device (MAD) tips, compatible with standard luer-lock syringes.
- Instructions on overdose response and naloxone administration

3. All officers are required to maintain the intranasal Naloxone kit and Cardiopulmonary Resuscitation (CPR) face mask in their assigned cruiser or on their person at all times while on duty.

4. The Hobbs Police Department will deploy its intra-nasal naloxone kits in the following primary locations:

Individual Assignment

D. Overdose Response and Use of Naloxone

1. Ensure scene safety for yourself and other first responders.

2. When using the intra-nasal naloxone kit officers shall adhere to universal precautions and follow the overdose response procedure as directed by this policy and the Department of Health Law Enforcement Naloxone Training:

- Determine non-responsiveness, absence or difficulty breathing
- Update dispatcher on potential overdose (Dispatcher will activate Emergency Medical Services)
- Assemble and administer first vial of intranasal naloxone
- If after 3-5 minutes of administering first vial of naloxone, there is no improvement (victim remains unconscious, no independent breathing) administer second vial of naloxone.

**CHAPTER 2**

**SECTION 3 – USE, CARE AND MAINTENANCE OF EQUIPMENT**

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- If the individual remains non-responsive following administration of second vial of naloxone, consider initiating CPR.

-All subjects who are given naloxone will require assessment by Emergency Medical Services (EMS) regardless of mental status.

3. The intranasal naloxone device shall be properly disposed of following administration.

E. Reporting: After utilization of naloxone, members will:

1. Prepare a "Naloxone Usage Report" and initiate a report in the Records Management System for documentation purposes to include a description of the individual's condition, behavior, deployment of naloxone, deployment results, details of call, and any other details the reporting officer feels are relative to the incident.

2. The above reports shall be reviewed and approved according to standard operating procedures and a copy will be submitted for review by the program coordinator.

F. Storage and Replacement

1. Inspection of the intranasal naloxone kit shall be the responsibility of each officer and shall be conducted **each month**.

- Check the expiration date found on either box or vial;

- Observe luer-lock needleless syringe for any cloudiness in liquid or other indication of damage to the medication.

- Check condition of Mucosal Atomizer Device (considered sterile for approximately 4-5 years).

2. Naloxone will be stored in department-issued storage containers to avoid extreme cold, heat and direct sunlight.

3. Missing, damaged or expired naloxone kit(s) will be reported directly to the on-duty commander. The on-duty commander will then report issue to the program coordinator.

4. Requests for replacement naloxone kit(s) will be submitted to the program coordinator.

5. Supervisors shall conduct inspection of the naloxone kits on a **monthly** basis and denote the equipment's condition in the vehicle inspection report.

6. If one (1) dose in a kit is administered during the normal course of duty a replacement kit will be requested. A complete kit will be considered a kit with two (2) full doses, including 2 MAD devices and instructions on overdose response and naloxone administration.



**CHAPTER 2**

**SECTION 4 -- REPORTING FOR DUTY/ATTENDANCE RECORDS**

(Rev. Date: 08/23/06)

**PAGE 1**

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**I. STATEMENT OF PURPOSE**

All employees are accountable for attendance at their scheduled duty times. The following guidelines are intended to govern reporting for, and the proper recording of, attendance for duty.

**II. SCHEDULES**

- A. Employees shall have regular hours assigned to them for active duty, and when not so employed, shall be considered off duty. They shall however, be subject to active duty as necessary.
- B. When employees are off duty, they shall report for active duty immediately when notified by a supervisor of their division or any employee acting on the direction of said supervisor. Supervisor(s) will notify individual employees as soon as practical of any schedule change.
- C. Employees will perform duties in accordance with duty schedules. Employees may be designated to serve on various shifts at the discretion of the division Captain or his representative at any time. The scheduling of individual employees is subject to change at any time and employees may be held over or called back to active duty as necessary.

**III. REPORTING ATTENDANCE/ABSENCE**

- A. It is the employee's responsibility to complete their Time Sheet at the completion of each period of active duty, court, special detail, training, etc.
- B. Supervisors ensure that all employees Time Sheets are completed at the end of an employees work day.
- C. A City of Hobbs Leave Request is completed and submitted by the employee to their immediate supervisor in order to account for any absence from duty, other than regularly scheduled days off.

**IV. REPORTING FOR DUTY**

Employees shall be prepared and punctual in reporting for duty. Inability to be on time shall be reported by the employee to their immediate supervisor prior to the set time for reporting.

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**I. STATEMENT OF PURPOSE**

An employee may be summoned to court by subpoena, notice to appear, posted court docket, in person, or formal service. The primary officer on the case shall be responsible for proper preparation of the case and transportation of evidence to court.

**II. ATTENDANCE**

- A. Police employees who are required to attend court shall arrive promptly on the date, time and location indicated when proper notification has been made to the employee.
- B. Police employees who are not given adequate notice regarding court, shall make every effort to arrive as soon as practical, but will not be held responsible by the department if late.

**III. CONDUCT**

- A. While in court, employees shall give their full attention and respect to the court at all times.
- B. During testimony, the employee shall speak calmly and distinctly so as to be clearly heard by the judge and/or jury.
- C. Employees shall follow all rules of the court and directions of the presiding judge concerning the case being tried.

**IV. TESTIMONY**

- A. Employees testifying in court shall remember that they are professional police employees.
- B. All testimony shall be truthful, complete, accurate and confined to the question posed by the lawyer, judge or defendant.
- C. Employees shall not suppress or add facts to influence the fact finder of the case.
- D. Answers to cross-examination will be with the same civility and readiness that the employee responded to direct examination.
- E. Personal opinions of the employee shall not be given unless requested by the court.
- F. Employees shall not hold themselves to be professional or expert witnesses with the expectation of receiving any fee for their testimony.

**V. RESCHEDULING COURT APPEARANCES**

- A. If conflicting court schedules cause any employee not to be able to appear, it will be the employee's responsibility to notify the appropriate court or prosecuting attorney. For this purpose, the court of higher authority has precedence over another. (i.e., District Court would over-ride Magistrate Court; Magistrate Court would over-ride Municipal Court).

- B. If a scheduled and approved vacation or training conflicts with the court appearance, the employee will personally contact the prosecuting attorney and explain to them the reasons(s) you are asking to be excused.
- C. If an employee is unable to appear at the scheduled time due to an illness or injury, the employee is responsible for contacting the appropriate court or prosecuting attorney.

**VI. PAYMENT**

Since court attendance is required as part of an employee's duty, and may from time to time fall outside an employee's normal scheduled work hours, that employee is entitled to compensation for such.

- A. If the court appearance falls during an employees regularly scheduled work hours, no other adjustments need to be made to the time.
- B. If the court appearance falls outside an employees regularly scheduled work hours, that time should be noted on the employees time sheet.
- C. If the employee is on his normal scheduled work hours, and the employee is provided with payments for witness fees, etc., that payment should be turned over to the Chief's secretary with an explanation.
- D. During off duty hours, if an employee is subpoenaed on a civil case arising out of his official duties, that employee may keep the accompanying witness fee. If the court or other required appearance falls on the employees normal work hours, any payments must be turned over to the Chief's secretary.
- E. Under no circumstances will an employee collect money from both the court and the City.
- F. Approved court time may include the following:
  - 1. Time spent in pretrial, if required.
  - 2. Time required in court.
  - 3. Travel time to, and return from, court outside the city.
  - 4. Excluded will be time periods that court recesses for meals.

**I. STATEMENT OF PURPOSE**

The department receives requests for officers to work special events and outside employment; therefore the following guidelines have been developed to resolve questions which may arise and delineate responsibilities for these events.

**II. DEFINITION**

**A. Mandatory Special Detail**

Duty which, due to the nature of the event, must be filled and officers will be assigned to work. Special Detail is billed directly to the City and is not considered outside employment. For Special Detail to be mandatory, the event must fall within one or more of the following categories:

1. Any event held on city owned property; or
2. Any City sponsored event; or
3. Any event which is deemed by the Chief of Police to be a serious safety hazard to the public that is not otherwise considered outside employment.

**III. OUTSIDE EMPLOYMENT**

**A. Policy**

It is the policy of the Hobbs Police Department to provide employees guidelines for the obtaining of outside employment and to establish accountability of such employment for the welfare of the officers of the Hobbs Police Department, the city of Hobbs and its citizens.

**B. Definitions**

Outside Employment: employment engaged by a department member in addition to their position as an employee of the City of Hobbs. Outside employment falls into three categories: secondary employment, off-duty employment, and extra-duty employment.

Secondary Employment: employment engaged by a department member in addition to their assigned position as an employee of the City of Hobbs where the use of law enforcement powers is not anticipated or related to law enforcement services such as consulting and teaching.

Off-Duty Employment: employment which is long term in nature and where the actual or potential use of law enforcement services is anticipated such as store security and facility security services.

Extra-Duty: employment which is temporary in nature, approved by the department, where the use of law enforcement services is anticipated such as traffic direction, crowd control, and special events.

**C. Procedures**

**1. General Guidelines**

- a. The City of Hobbs Personnel Rules 21-9-3b requires all city employees submit a written request to the department head and the City Manager for the

authorization to pursue secondary employment. If the department head and the City Manager determine that an employee should not continue secondary employment, the department head and City Manager can require that such employment ends.

- b. Any department employee engaging in approved secondary employment must complete a written request form detailing such employment. The form can be obtained from the administrative assistant to the chief of police and shall list the name of the employer or company, the address of the employment, a description of the work performed by the company, and the specific duties and hours the employee is to work. This includes working as a courtesy officer for an apartment or other housing complex. The applicant's supervisor shall endorse the request by recommending approval or disapproval and forward the request to the employee's Captain for the endorsement. The request will then be forwarded to the Chief of Police for approval or disapproval. Employees are reminded that the City of Hobbs is their primary employer and that neither the City nor the Police Department will schedule shifts and/or assignments to facilitate outside employment. Employees attempting to subvert this policy or violate any other rules regarding outside employment shall be subject to disciplinary action and suspension of the outside employment privileges.
- c. Officers of the Police Department shall work no more than twenty (20) hours per week on outside employment and will not be employed in more than one outside job at a time. The Chief of Police may approve exceptions during periods of unusual seasonal demand or due to a special function or event.
- d. Probationary Recruits (new-hires) will not be allowed to apply for, accept, or engage in any outside employment until they are released from probation unless specifically approved by the Chief of Police or his designee.
- e. Department employees will not engage in any outside employment activities while on duty.
- f. Officers will report the use of their law enforcement powers, injuries sustained to officers and others, complaints received, and court appearances as the result of outside employment to the Hobbs Police Department. Injuries sustained by officers during outside employment are to be reported to the appropriate Division Head prior to the next scheduled working day and will not be covered under the City of Hobbs Worker's Compensation Program.
- g. Officers engaging in outside employment are subject to all policies and procedures that govern on-duty officers. The authority, chain of command, and policies of the Hobbs Police Department shall prevail at all times over the authority of any outside employment in regard to an officer's responsibility.
- h. Organizations or individuals wishing to hire police officers for extra duty/off-duty employment shall first submit a department "Off-Duty/Extra Duty Approval" form for approval by the Chief of Police or his designee. Officers will not work any employment that is denied.

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2. Suspension of Outside Employment Approvals

Permission to engage in outside employment may be cancelled at any time by the Chief of Police or City Manager. All approvals or authorizations for a department member to perform any secondary, off-duty, or extra-duty employment will be suspended immediately whenever an employee is:

- a. Placed on light duty.
- b. Relieved of duty.
- c. Has applied for Worker's Compensation benefits.
- d. On military leave.
- e. Called to duty or scheduled for any official activity such as, but not limited to, court, training, special events, mandatory meetings, etc.
- f. Unable to report for regular duty or court due to illness or illness of a family member.
- g. Involved in a conflict, or an apparent conflict, of interest between on-duty and secondary employment responsibilities.

3. Prohibited Outside Employment

The following lists jobs that are prohibited, although other jobs may be prohibited by the Chief of Police or City Manager even if the job is not listed:

- a. Process server, repossession agent, or bill collector.
- b. Bounty Hunter, or bail bondsman
- c. Bouncer, bartender, liquor store attendant, valet or parking lot security. This applies to premises both inside and outside the city of Hobbs.
- d. Gambling in direct form, other than special security services.
- e. Police officer. No sworn officer will work as an employee of any governmental entity other than the City of Hobbs where duties contain police powers in paid or unpaid position.
- f. Private Investigator, pre-employment screening, and polygraph examiner as an owner, part-owner, or employee of these businesses.

4. Outside Employment Conditions

- a. When engaged in any outside employment, particularly uniformed police related employment, officers will respond to any circumstances occurring in his/her presence, or within his immediate area, which poses a substantial threat of bodily harm or serious damage or loss of property, even though such a circumstance may not be regarded as a matter of his/her concern by the member's outside employer. No outside employer may direct a police officer to fail to enforce any violation of state or city code.
- b. Police officers engaging in outside employment shall take appropriate police action and complete reports on any police matters or activities in which they engage.

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- c. Police officers working for management of an apartment complex, shopping mall, retail store, construction site, hotel, sporting event, etc., are required to handle complaints in those circumstances considered in keeping with their employment. An off-duty officer may request the assistance of on-duty personnel when necessary to transport arrested persons, evidence, property, etc. or for any other officer safety reason.
- d. In an emergency, any department member may be called to duty at the Hobbs Police Department at any time. Department employees will make arrangements with their outside employer to be immediately relieved from his/her responsibilities when recalled by the City of Hobbs. Any officer failing to report due to an outside job engagement will face disciplinary action up to termination and suspension of extra job privileges.
- e. All off-duty and extra-duty employment is limited to the city limits of Hobbs, unless approved by the Chief of Police or City Manager.

5. Use of Department Equipment

- a. Department equipment shall not be used for any type of outside employment unless authorized by the Chief of Police or his designee.
- b. No City of Hobbs equipment shall be used while an employee is working in an armed security job outside the city limits of the city of Hobbs. This includes, but is not limited to, police departmental badges, weapons, uniforms, or vehicles.

6. Security Employment

The act of performing off-duty security for the private sector will be regulated according to the state law and the Personnel Rules and Regulations.

- a. Requests for private businesses or individuals for off-duty security shall be directed to the Chief of Police or his designee. No officer will solicit, engage in, supervise, or coordinate any off-duty security function unless approved by the Chief of Police or his designee.
- b. Officers who wish to engage in regular, long term off-duty security employment shall comply with this General Order and other applicable statutes. This policy applies whether it is armed, unarmed, or plain clothes security. Officers will not be approved to accept such employment until the employer has complied with any conditions set about by the Chief of Police or City Manager or designee.
- c. Department employees shall not obtain ownership or part ownership in a security company in or outside the city limits of the city of Hobbs in which clientele and/or job assignments are located within the city limits of the city of Hobbs.

7. Extra-Duty Employment

Many times these jobs arise without prior notice and it is in the best interest of the public's safety and welfare to fill these temporary jobs with police officers that are off-duty rather

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than on-duty police officers. The employment of police officers for extra-duty jobs will be approved, directed, and coordinated by the office of the Chief of Police. No department employee will solicit, accept, or otherwise engage in any extra-duty job that has not been approved by the office of the Chief of Police.

8. Annual Review

The Chief of Police or their designee shall conduct an annual review of this General Order and shall make the necessary revisions. This General Order shall remain in force until revoked or revised by the Chief of Police.

IV SPECIAL EVENTS

Special events may include, but not limited to, sporting events, parades, gatherings, marches, concerts, and political conventions.

A. Procedures

1. The Day Shift Lieutenant or his designee is responsible for coordinating the number of officers present at the function and their duties.
2. It is the responsibility of the individual coordinating the event to develop a written plan that establishes at a minimum:
  - a. use of special operations personnel, if needed;
  - b. necessary equipment available;
  - c. designation of a single person or position as supervisor and coordinator for the coverage of a given event;
  - d. written estimate of traffic and crowd control and crime problems expected;
  - e. logistical requirements;
  - f. coordination inside and outside the agency; and
  - g. a contingency plan for traffic direction and control which should include, if applicable;
    - 1) entry and exit of vehicular and pedestrian traffic;
    - 2) adequate parking facilities;
    - 3) spectator control;
    - 4) public transportation;
    - 5) relief of officer assigned to point traffic control;
    - 6) emergency vehicle access;
    - 7) alternate routes for through traffic;
    - 8) use of temporary traffic control devices;
    - 9) news media access
3. A copy of the plan should be distributed in the following manner:
  - a. a copy will be posted with the special detail sign-up sheet
  - b. a copy will be submitted through the chain of command with provisions for each

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staff member to acknowledge the information was received

**B. After-Event Report**

1. The supervisor coordinating the event will complete an after-event report detailing any problems encountered during the event and resolutions or changes that should be considered before the next event.
2. A copy of the after-event report will be forwarded through the chain of command

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**I. STATEMENT OF PURPOSE**

From time to time employees must be contacted at home. Because of this, Department personnel are required to have a telephone, in working order, at their residence. Employees must ensure that the appropriate personnel have current information on their residence address and telephone number.

**II. REQUIREMENTS**

A. Employees shall keep the Department notified of their current address and telephone number. Employees shall report any change of address and/or telephone number within two working days to the HPD Records Section, Administration Secretary, their immediate supervisor and the City of Hobbs Human Resources Office.

B. In the interim of changing residence, changing telephone service, etc., an employee shall inform their immediate supervisor of where he may be contacted in case of emergency.

**III. DISCLOSURE/RELEASE OF ADDRESS OR TELEPHONE NUMBERS**

A. All employees are prohibited from disclosing the home address or telephone number of another member of this Department to members of the public or to the press.

B. If a request is made via telephone or in person, the following steps should be taken:

1. The requesting party will be given the option of leaving their name, the reason for requesting the information, a brief message to the employee and telephone number where they may be contacted.

2. The message will be relayed to the member. If the member is not on-duty, and the message is not an emergency, the message will be left in the designated place. If the member is not on-duty and the message is an emergency, an attempt will be made to contact the member.

C. If a request is made for an employee's information, the requesting party will be given the option of leaving their name, the reason for requesting the information, a brief message to the employee and contact number. The message will then be relayed to the employee. If the employee is not on-duty and the message is an emergency, an attempt will be made to contact the employee.

**IV. CONTROL OVER ACCESS TO INFORMATION**

A. In order to ensure that residence addresses and telephone numbers of employees are protected, access to that information shall be controlled and restricted to those individuals within the Department with a need for it.

B. Outdated copies of personnel lists shall be destroyed in an appropriate manner.

C. Personnel lists shall not be given out to any person or organization outside the Department unless authorized by the Chief of Police.

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**I. STATEMENT OF PURPOSE**

In order to comply with the New Mexico Worker's Compensation Act, the City of Hobbs is required to report all on-the-job injuries to the state within ten working days. The following procedures are established and are required anytime an employee is injured while on-the-job.

**II. MEDICAL TREATMENT**

- A. In the event of serious or life-threatening injuries the employee shall receive emergency medical treatment without delay prior to notification of the Human Resources Office or Safety Director.
- B. In the event of less serious injuries, the employee shall contact the Human Resources Office or Safety Director, whose responsibility it is to determine the health care provider and arrange for treatment.
- C. Any other procedures for receiving medical treatment should follow the City of Hobbs Worker's Compensation Policy, which is a part of the Personnel Manual.

**III. REPORTING REQUIREMENTS**

- A. It is the employee's responsibility to notify their supervisor of an on-the-job injury as soon as it occurs.
- B. Employees must complete a 'Notice of Accident'. If employees are unable to complete this due to injuries, it becomes the supervisor's responsibility.
- C. Employees must also complete an 'Incident Report' for all injuries. If employees are unable to complete this due to injuries, it becomes the supervisor's responsibility.
- D. Supervisors are responsible for providing a statement regarding incidents, as requested, in the 'Incident Report'.
- E. These completed forms are submitted to the Chief of Police, via the Chain of Command, along with any associated reports. They are then forwarded to the Human Resources Department.
- F. Due to the American Disabilities Act, no entry will be made in the employee's chronological file indicating the injuries or referring to the injuries.
- G. If the injury results in a lengthy recovery, the employee shall keep their supervisor advised of their progress by maintaining at least bi-weekly contact.

**IV. RESTRICTED DUTY**

- A. Employees who are released to restricted duty must present a signed physician's statement which specifically outlines the work restrictions. This statement must be presented no later than two work days after the release is obtained.
- B. Employees released to restricted duty must be cleared by the Human Resources Department prior to commencing work. All restricted duty assignments will be jointly determined by the Chief of Police and the Human Resources Department.

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**V. DEATH/INJURY TO A MEMBER OF THE DEPARTMENT**

The Hobbs Police Department believes it is their responsibility to provide liaison assistance to the immediate survivors of a member who dies in the line-of-duty, whether feloniously or accidentally, while an active member of the department and to family members of those who are injured while in the line-of-duty. This includes prompt notification, the clarification and comprehensive study of survivor benefits, and to provide tangible and intangible emotional support during this traumatic period of re-adjustment for the surviving family.

**A. Notification**

1. The name of the deceased or injured officer should not be released by the media before immediate survivors living in the area are notified.
2. Notification shall be made in person by the Chief of Police or his designee along with the police chaplain. If the police chaplain is unavailable, an on-call chaplain from the Fire Department will be requested.
3. The survivors should then be transported via police vehicle to the hospital.
4. If young children are known to live at home, arrangements should be made for their care by the informing officer.
5. A ranking officer should be present the entire time the family is at the hospital.

**B. Data Sheets**

In order to assist members of this department with notifications, each member will complete a new data sheet in conjunction with their Performance Evaluation.

**C. Liaison**

1. At the earliest possible time, the Deputy Chief shall appoint a liaison from the department.
2. The liaison is not a decision-making position, but a facilitator between the family and the Department.
3. This liaison's responsibilities will include the following:
  - a. ensure that the needs of the family come before the wishes of the department;
  - b. the needs of the family are met;
  - c. assist with handling funeral arrangements and any available benefits;
  - d. be provided with updates regarding any investigations to provide information to the family and be available to the family throughout this time. This information shall be provided prior to any press releases.
4. The liaison is responsible for keeping the family informed of all new developments if a criminal investigation surrounds the death, prior to any news release.

D. Debriefing

1. A Critical Incident Debriefing shall be held after the death.
2. One debriefing will be held for those individuals who may have been directly involved in the incident.
3. A second debriefing shall be held for those members of the department who wish to participate.

E. Media Relations

1. Under no circumstances should the family be placed in the position of responding to questions from the media.
2. Questions from the media will be handled by the Department's Public Information Officer or other designee.
3. In the event that the family should decide to accept an interview, the Public Information Officer should attend and 'screen' all questions presented to the family so as to not jeopardize upcoming legal proceedings.

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**I. STATEMENT OF PURPOSE**

The goal of officers in making notification to next-of-kin is to provide a clear statement about the death, provide help in managing details and assist in notifying other family members. Officers must be professional at all times and make referrals to others who can help in this time.

**II. GENERAL POLICY****A. General Public**

1. In the event the Hobbs Police Department is called upon to notify the next of kin of a death or life-threatening injury, it is the responsibility of the PSD Sergeant to contact the Police Chaplain or an on-call Fire Department Chaplain to respond to assist with notifications.
2. A supervisor will accompany the Chaplain to make the notification.
3. In the event no chaplain is available, a second officer should assist the PSD Sergeant.
4. If the request is made through a teletype, the PSD Sergeant will make a follow-up telephone call to verify the information prior to making the notification.

**B. Department Employee**

1. When an employee is killed or seriously injured on or off-duty, immediate notification shall be made to the Chief of Police through the Chain of Command.
  - a. A written report shall follow the next day from the employee's immediate supervisor, if possible.
  - b. The information shall include the location, cause, extent of injuries, if known.
2. The family of any employee who is injured or dies on-duty shall be notified immediately by the Chief of Police or his designee.
  - a. Such notification shall be as personal as possible, following the above guidelines.
  - b. The supervisor may request the presence of any needed personnel to assist in the notification.
  - c. As much assistance as possible will be rendered to the family.

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**I. STATEMENT OF PURPOSE**

In order for the City of Hobbs to monitor the billing of long distance telephone Personal Identification Numbers (PIN) are assigned to employees and/or sections.

**II. ACCOUNTING FOR CALLS**

- A. Employees with a need are assigned a PIN to be used when making a long distance call. All other employees should use a generic PIN which has been assigned to their particular division/section. Personal phone calls are not to be made using this system.
- B. Calls may be reviewed each month to determine negligence and/or abuse.

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**CHAPTER 2**

**SECTION 11 -- INTERIOR FURNISHINGS POLICY**

(Rev. Date: 08/21/06)

**PAGE 1**

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**I. STATEMENT OF PURPOSE**

The purpose of this policy is to provide guidelines regarding interior furnishing for the Hobbs Police Department building. The Division Captain and the Chief of Police have primary responsibility for the interpretation and insuring compliance with this policy.

**II. WORK AREAS**

1. All work areas will be neat, clean and maintain a professional appearance.
2. Any material that is suggestive, offensive or discriminatory in nature is prohibited.
3. If any discrepancies arise while sharing a semi-private office and the parties cannot resolve the matter between themselves, the matter will be forwarded to the immediate supervisor.

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**I. STATEMENT OF PURPOSE**

The City of Hobbs has established a policy of evaluating all employees periodically. The evaluation of an employee's daily work activities is an important and effective way for management to ensure that continued high standards of performance are achieved by all employees. Evaluations allow the employee and management to identify problem areas and deal with these problems on an individual, as well as departmental, basis. Performance evaluations may be used for positive disciplinary purposes when necessary. The performance evaluation may be used to provide information on suitability for special assignments, training needs, ability to assume more responsibility, potential for promotion and effectiveness in the assigned position.

**II. OBJECTIVES**

- A. The objectives of an evaluation system are intended to serve both the employee and management.
- B. The objectives of the system are:
  - 1. Evaluate job performance.
  - 2. Identify strengths and weaknesses.
  - 3. Plan for the development of skills and expertise and identify training needs.
  - 4. Help employees qualify for promotion and merit pay increases.
  - 5. Provide feedback to the employee on a fair and impartial basis.
- C. In order to meet these objectives the Chief of Police has the authority to yearly inspect performance evaluations to determine any additional training needs on the part of the raters or employees, any extreme ratings or contested evaluations and to determine whether the format is currently meeting departmental needs.

**III. RESPONSIBILITY**

- A. During the evaluation period, when an employee's performance becomes minimal or unsatisfactory, the supervisor should counsel with the employee on the actions that should be taken to improve their performance and notify the employee of the consequences if improvement is not made. This notification shall be documented as soon as practicable after the unsatisfactory performance or undesirable behavior is recognized and should be given at least 90 days prior to the end of the annual rating period or as soon as possible when there are less than 90 days remaining. This allows the employee an opportunity to rectify any unsatisfactory performance.
- B. Each employee shall be rated by their immediate supervisor. In the event, the employee has two immediate supervisors, the one who has supervised the employee most during the rating period will be responsible while gathering input from a co-supervisor.
- C. It is the responsibility of the rater's supervisor to ensure that the raters are evaluating the employee fairly, honestly, and impartially.

**CHAPTER 2**

**SECTION 12 – PERFORMANCE EVALUATIONS**

**PAGE 2**

(Rev. Date: 04/03/2018)

- D. Supervisors should make regular entries in Guardian Tracker regarding observations of their employee's performance. If observations fall into the categories listed on the performance evaluation the supervisor should make entries under that category in Guardian Tracker. This will make finding relevant information for the evaluation easier at the end of the evaluation period.

**IV. RATINGS**

- A. Each employee should be counseled at the beginning of the rating period concerning areas which they will be rated on, such as level of performance expected, task of the position and the criteria used for evaluation. Employees will be rated on requirements of the position they held during the rating period.

In order to assist the rater in completing a performance evaluation, each rater should be trained in the use, measurement and counseling techniques necessary to achieve the desired results.

- B. An evaluator should be prepared to substantiate above average or below average ratings. This ability will be enhanced through the use of the employees comment file.
- C. Each performance evaluation is reviewed and approved by the rater's supervisor prior to being given to the employee. After the employee receives the evaluation, it is then sent back through the chain of command for the signatures of the respective supervisors.
- D. Each employee will be given the opportunity to sign the completed evaluation to indicate that they have read it. This signature does not indicate the employee's agreement or disagreement with the rating. If the employee refuses to sign said evaluation, the supervisor should get a third party to witness and note the reason(s), if given.
- E. Once the performance evaluation is complete, a copy of the evaluation is provided to the employee and a copy of the signed evaluation is uploaded to Guardian Tracker under the category "Annual Evaluation". The evaluation is then placed in their Personnel File at City Hall.

**V. QUARTERLY PERFORMANCE MEETINGS**

- A. In order to better understand and develop employees as well as assist supervisors in conducting a more accurate and thorough annual performance evaluation, all supervisors are required to meet with their subordinates individually on a quarterly basis. Topics of discussion shall include strengths and weaknesses, productivity, employee concerns, commendations, complaints, or any other matters relating to work performance.
- B. If a supervisor learns that an employee may be dealing with personal issues which could be affecting their work performance, they will ensure the employee is informed of the City's EAP (Employee Assistance Program) for any assistance the employee may need. If the issue is of a serious nature which might require immediate intervention, the supervisor shall bring the matter to the attention of the Division Captain and Human Resources Director for possible mandatory referral to the EAP or other action.
- C. The quarterly meetings shall be documented in Guardian Tracker under the category "Quarterly Performance". This documentation shall include any action taken by a supervisor to improve employee performance. EAP issues or referrals shall not be referenced in the employee's file.

**I. STATEMENT OF PURPOSE**

The certificate program is a career oriented device that is intended to acknowledge levels of achievement within the police profession. The Certification Classification has been designed to show the public, as well as members of this department, that the officer's experience, training, and education have been recognized.

**II. CERTIFICATE CLASSIFICATION**

No officer will receive a certificate classification from this department until they have completed one year with the Hobbs Police Department. Rehired employees will not be eligible to receive their certificate classification until their probationary period is completed. In the event a rehired employee has been out of police service for over five (5) years, they will not be eligible to receive their certificate classification until the probationary period is completed and they are certified by the State of New Mexico.

The level of placement will be derived from substantiated data regarding the number of years in police service, classroom instruction, and college hours.

A Police Officer Certificate Classification is not a position of supervision or of rank.

**III. RESPONSIBILITY**

All officers will be responsible for completing and submitting a request for change in classification status through their Chain of Command. Officers can obtain in-service training hours from the Training Lieutenant who maintains a file on each officer of this department which contains date of employment, date of school, type of school and hours earned, documented college hours completed with a grade of C or higher, and present level of certification.

**IV. INSIGNIA**

All officers who meet the requirements as outlined in this section and are classified as an Intermediate or higher shall be issued the proper insignia for their classification.

- A. Intermediate - The insignia is a pin with a blue ribbon framed in gold.
- B. Advanced - one gold star centered on the above mentioned ribbon.
- C. Masters - two (2) gold stars centered on the above mentioned ribbon.

**V. WEARING OF INSIGNIA**

The classification insignia will be worn on the duty uniform and will be centered below the badge with the top of the insignia even with the top of the pocket.

CHAPTER 2

SECTION 13 -- POLICE OFFICER CERTIFICATE CLASSIFICATION

(Eff. Date: 06/27/05)

PAGE 2

VI. EDUCATION RELATIONSHIP CHART

	TIME IN SERVICE	Vocational Training Hrs. / Combination		College Hrs.
		A		B
Basic Certificate	12 mos.	600/---		---
Intermediate Certificate	12 mos.	710/30		775/15
	18 mos.	720/27		785/12
	18 mos.	730/24		795/9
	18 mos.	740/21		805/6
	18 mos.	750/18		815/3
	18 mos.	760/15		825/--
	2 yrs.	710/27		775/12
	2 yrs.	720/24		785/9
	2 yrs.	730/21		795/6
	2 yrs.	740/18		805/3
	2 yrs.	750/15		815/--
	3 yrs.	710/24		775/9
	3 yrs.	720/21		785/6
	3 yrs.	730/18		795/3
	3 yrs.	740/15		805/--
	4 yrs.	710/21		775/6
	4 yrs.	720/18		785/3
	4 yrs.	730/15		795/--
	5 yrs.	710/21		775/3
	5 yrs.	720/18		785/--

CHAPTER 2

SECTION 13 -- POLICE OFFICER CERTIFICATE CLASSIFICATION

PAGE 3

EDUCATION RELATIONSHIP CHART (CONTINUED)

	TIME IN SERVICE	Vocational Training Hrs. / Combination	College Hrs.
		<u>A</u>	<u>B</u>
Advanced Certificate	4 yrs.	775/45	875/21
	4 yrs.	785/42	885/18
	4 yrs.	795/39	895/15
	4 yrs.	805/36	905/12
	4 yrs.	815/33	915/9
	4 yrs.	825/30	925/6
	4 yrs.	835/27	935/3
	4 yrs.	845/24	945/--
	5 yrs.	775/39	875/15
	5 yrs.	785/36	885/12
	5 yrs.	795/33	895/9
	5 yrs.	805/30	905/6
	5 yrs.	815/27	915/3
	5 yrs.	825/24	925/--
	6 yrs.	775/33	875/9
	6 yrs.	785/30	885/6
	6 yrs.	795/27	895/3
	6 yrs.	805/24	905/--
	7 yrs.	775/27	875/6
	7 yrs.	785/24	885/3

CHAPTER 2

SECTION 13 -- POLICE OFFICER CERTIFICATE CLASSIFICATION

(Eff. Date: 06/27/05)

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EDUCATION RELATIONSHIP CHART (CONTINUED)

	TIME IN SERVICE	Vocational Training Hrs. / Combination	College Hrs.
		<u>A</u>	<u>B</u>
	7 yrs.	795/21	895/—
	8 yrs.	775/21	875/3
	8 yrs.	785/18	885/—
	9 yrs.	775/15	875/—
Master's Certificate	8 yrs.	1060	MS/MA (164 hours)
	10 yrs.	1160	BS/BA (128 hours)
	11 yrs.	1210	96 hours
	12 yrs.	1260	AS/AA ( 64 hours)
	13 yrs.	1260	32 hours
	14 yrs.	1310	--
	15 yrs.	1360	--
	16 yrs.	1360	--
	17 yrs.	1360	--
	18 yrs.	1360	--
	19 yrs.	1360	--
	20 yrs.	1360	--

## **I. STATEMENT OF PURPOSE**

The ability of this department to meet current and long-range goals and objectives in an efficient and effective manner is largely dependent upon the level of skills, abilities and knowledge members bring to their individual assignments, duties and responsibilities. Therefore, it is the policy of this department to provide, to the degree possible, counseling, training and professional development opportunities. In addition, assistance will be given to members in choosing, preparing, entering and progressing in agency job assignments and job specialties as well as individual professional growth opportunities that will promote production, efficiency and effectiveness in job performance and improve the overall level of job satisfaction.

## **II. EXPECTATIONS AND GOALS**

The goal of the Hobbs Police Department is to promote the development and improvement of knowledge, skills and abilities for all personnel; and, to assure that all personnel are afforded the opportunity to participate in training and developmental programs available through the department.

The Hobbs Police Department will act as a mentor to participating employees who wish to further their professional growth, through counseling and training, in order to better enhance their ability to advance into future assignments as well as improve performance in current assignments. It is important to recognize Career Development can only be achieved through joint effort and commitment from both the Department and the employee.

## **III. ADMINISTRATION OF THE PROGRAM**

- A. All supervisors bear responsibility for assisting subordinates in Career Development. In accordance with Career Development training, the Training Lieutenant is responsible for maintaining the following:
  - 1. The number of hours of training and education provided, so as to identify Advanced, Intermediate, Basic and Remedial Training. Analysis should include a breakdown by training category and/or type;
  - 2. The breakdown and analysis of the training and education provided, so as to identify Advanced, Intermediate, Basic and Remedial Training. Analysis should include a breakdown by training category and/or type;
  - 3. Identification of supplemental resources for career counseling.
- B. In conjunction with the State's two year training cycle the Training Lieutenant will conduct an evaluation of the Department's Career Development training. Upon completion of the evaluation, any revisions or recommendations will be submitted to the Chief of Police through the Division Captain for review.
- C. In order to assure continual growth of Career Development training, it may become necessary to enlist the assistance of various educational institutions and sources. These sources may include, but are not limited to:
  - 1. New Mexico Law Enforcement Academy (NMLEA);
  - 2. New Mexico Junior College (NMJC);

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**SECTION 14 CAREER DEVELOPMENT**  
**PAGE 2**

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3. University of the Southwest (USW);
  4. Northwestern University (Traffic Institute);
  5. IACP (International Association of Chiefs of Police);
  6. Federal Law Enforcement Training Center (FLETC);
  7. Federal Agencies (FBI, DEA, INS, etc.).
- D. In order to promote successful Career Development, all supervisors will receive training in the area of career counseling to increase knowledge and skills in the following areas:
1. General counseling techniques;
  2. Techniques for assessing skills, knowledge and abilities;
  3. Salaries, benefits and training opportunities within the department;
  4. Educational opportunities and incentive programs;
  5. Availability of outside resources;
  6. Record keeping techniques;
  7. Career development programs from other jurisdictions, if needed.

**IV. SKILLS, KNOWLEDGE AND ABILITIES (SKA's)**

- A. In conjunction with the employee's annual evaluation, an inventory of the SKA's of each employee is compiled and maintained in their training records. Sources of that information may include the following:
1. Personal interview;
  2. Questionnaire;
  3. Job application (education, work experience, language skills, etc.);
  4. Specialized training or skill received.
- B. In compiling information related to the SKA inventory, the Hobbs Police Department will comply with all applicable federal, state and local privacy, security, and freedom of information requirements in compilation and maintenance of these inventories.

**V. CAREER COUNSELING**

Career Counseling offers guidance to individuals for choosing, preparing, entering and progressing in job assignments and serves to identify the following:

- A. The skills, knowledge and abilities of each employee relative to present and future job assignments;
- B. In-service training requirements; and
- C. The extent to which training fulfills the employee's and department's expectations and needs.

Career counseling will be conducted by the employee's immediate supervisor in conjunction with the employee's annual evaluation with information being incorporated into the goals and objectives.



**VI. IN-SERVICE TRAINING**

- A. In-Service Training shall be provided in order to:
  - 1. Maintain and enhance employee's SKA's needed to perform the duties and responsibilities of the assigned job and to stimulate interest or professional skills in specialized assignments; and
  - 2. Provide advanced levels of instruction for specialized assignments and enhance an employee's overall potential for upward mobility and job satisfaction.
- B. In-Service Training should be conducted once a month with a total of twenty-four (24) hours per year. Each division may have division specific training or participate in departmental wide training.
- C. Division specific training, coordinated through the Training Lieutenant, is mandatory for all division employees but open to participation by members of other divisions. This will enable employees participating in the Career Development Program the opportunity to expand their knowledge outside their respective division.
- D. Departmental wide training, coordinated through the Training Lieutenant, will be mandatory for all employees with the exception of Division Captains, the Deputy Chief and the Chief of Police. This will ensure that all information and operational methods will be disseminated in a timely fashion to all personnel as the changes occur.
- E. Supervisory In-Service training will be mandatory for all Sergeants and Lieutenants and will be conducted at minimum on an annual basis. Generally, this training will be open to participation of non-supervisory personnel unless the Chief or Deputy Chief determine otherwise.

\* All In-Service Training will be posted on departmental bulletin boards to ensure that all employees are notified of upcoming training.

**VII. SHORT TERM TRAINING ASSIGNMENTS**

Where practical and eligible, sworn personnel may be given the opportunity to be temporarily assigned to specialized work units of their choice which are consistent with their career goals and interests. These assignments provide officers with a better understanding of the duties, responsibilities, skills and abilities pertinent to these assignments and allow them to make informed career decisions. These assignments may be made for a period of time up to three years at the discretion of the Division Captain and Chief of Police. However, the maximum time period the employee may serve in the assignment should be specified at the beginning of the assignment. The employee may be removed from the assignment at any time at the sole discretion of the Chief of Police.

- A. In order for an officer to be eligible for these assignments they must:
  - 1. Within the prior 12 months not have received disciplinary actions of the following nature: demotion; suspensions.
  - 2. Meet the performance standards established for their regular duty assignment; and
  - 3. Not have served in another short term assignment within the prior six month period.

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**SECTION 14 CAREER DEVELOPMENT**  
**PAGE 4**

- B. Officers interested in a short term assignment shall submit written notification to their immediate supervisor detailing their interest, qualifications and the assignment's applicability to their career goals and objectives.
  - 1. Following supervisory and command approval, the notification shall be forwarded to the Training Lieutenant who will attempt to match the request with the first available opening in the applicable division.
  - 2. Requests shall then be submitted to the Division Captain where short term assignments are available. Division Captains will utilize approved assessment methods.
  - 3. All request will remain active until the applicant is assigned to the requested duty or deemed unqualified, is transferred to another position, promoted or withdraws their request.
  - 4. Upon completion of the short term assignment, the employee will return to their normally assigned duty, with the same status as before. The performance of officers on temporary assignments will be evaluated at the end of the assignment, regardless of where this falls in relationship to the normally scheduled annual evaluation.
- C. A list of positions available for short term assignment will be maintained by the Training Lieutenant. These positions will be based on departmental need. The qualifications listed on the job description for each position must still be met in order to secure a short term assignment. Career Development opportunities within the Hobbs Police Department may include, but not be limited to;
  - 1. Field Training Officer;
  - 2. Traffic Unit;
  - 3. K-9 Officer;
  - 4. Detective;
  - 5. Narcotics Investigator;
  - 6. School Resource Officer.

**VIII. SUPERVISORY SKILL DEVELOPMENT**

- A. Skill development training shall be provided to all newly appointed supervisory personnel. This training will be completed within three months of the promotion unless previously completed. . This training shall consist of, but not be limited to, the following:
  - 1. Management techniques;
  - 2. Grievance procedures;
  - 3. Employee relations;
  - 4. Career counseling;
  - 5. Evaluating performance;
  - 6. Establishing goals and objectives;
  - 7. Fiscal management.
- B. In an effort to continue a career development path for Sergeants, they will be allowed to compete for positions in other divisions as they become available.

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**SECTION 14 CAREER DEVELOPMENT**  
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(Rev. Date: 09/24/13)

- C. When a vacancy exists at the level of Lieutenant or higher, a lateral transfer may be considered based on the needs of the department and the needs and desires of the employee.

**IX. FORMAL EDUCATIONAL INCENTIVES**

The Hobbs Police Department encourages employees to continue their formal education during their employment.

Commanding officers may exercise discretionary latitude in realigning work schedules of employees who are pursuing academic education so that they may attend classes. Such adjustments may not conflict with procedures for assigning officers to shift schedules and must be administered equitably.

**X. VOCATIONAL EDUCATION INCENTIVES**

The Hobbs Police Department encourages employees to continue with their vocational training. Realizing that budgetary constraints may prevent the department from paying the cost of such training, the following guidelines have been established.

- A. The vocational training must first be submitted through the employees' chain of command to request approval. Along with this request should be justification for why this training is job related specific and would be beneficial to the department. For the purpose of this section, vocational training is training specific to law enforcement needs and for which training is received as the result of a workshop or seminar and no continuing education credits are received.
- B. If the training is not approved for budgetary reasons, however it is determined the training is job related specific and would be beneficial to the department, this training would be approved in the Vocational Incentive Program. The employee may then opt to attend the training and pay for the cost themselves and the Department may allow the employee Paid Time Off.
- C. Upon completion of the training, a copy of verification is submitted to the Training Lieutenant attached to a copy of the original training request. This verification must include the number of training/instructional hours. This information will be filed in the employee's training file.
- D. At the completion of the 40 hours of approved training, the employee is responsible for submitting a Vocational Incentive Request. This request is a summary of the total number of hours of approved training. For every 40 hours of approved training, the officer will be compensated eight (8) hours of Paid Time Off.

**CHAPTER 2**

**SECTION 15 -- PROMOTIONS AND TRANSFERS**

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**I. STATEMENT OF PURPOSE**

The promotion or transfer to any rank or position of a member of this department is made on the basis of knowledge, skill, demonstrated performance, and to serve the needs of the department. On this premise, the promotional policy attempts to provide encouragement to qualified employees to achieve their potential and therefore provide the Department with the best service and leadership possible.

In order to ensure the elements used to evaluate candidates are job related and nondiscriminatory, the process used is based upon traits which have been identified by job analysis to be significant and skills which are listed in the job description.

**II. CHIEF OF POLICE**

The process for the selection of Chief of Police is established by the City Manager's office with the assistance from the Director of Personnel.

**III. DEPUTY CHIEF**

The process for the selection of Deputy Chief is established under the authority of the Chief of Police who has sole discretion in the selection.

**IV. CAPTAIN**

The process for the selection of Captain is established under the authority of the Chief of Police who has sole discretion in the selection.

**V. LIEUTENANT**

The process for the selection of Lieutenant is established under the authority of the Chief of Police who has sole discretion in the selection.

**VI. JAIL ADMINISTRATOR**

The process for the selection of Jail Administrator is established under the authority of the Chief of Police who has sole discretion in the selection.

**VII. DETENTION SUPERVISOR**

The process for the selection of Detention Supervisor is established under the authority of the Chief of Police who has the sole discretion in the selection.

**VIII. PROMOTIONAL PROCESS (Sworn Personnel)**

- A. The promotional process for Sergeant and Detective will be administered at the time a position is determined to be filled as designated by the Chief.
- B. Personnel assigned to assist in administering the promotional process will be selected by the Chief of Police or other person as designated by the Chief.
- C. If departmental personnel do not meet the published requirements or do not express an interest in any promotional position, the position may be held open, opened up to external applicants, or the requirements may be waived by the Chief of Police in order to open the ranks for internal promotion.

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- D. In order to be eligible to participate in the promotional examination process an employee must meet the minimum requirements for that position by the testing date. A Job Description for each position is available through the Personnel Department. Employees may compete for any position for which they are eligible.
- E. As in all actions described in this manual, the Chief of Police in compliance with the City Personnel Manual has sole authority to modify procedures affecting personnel of the agency, considering the total interest of the department.
- F. Nothing in this section shall be so interpreted as to indicate that a position must be filled at the conclusion of the promotional process. If none of the applicants are recommended for a particular position, this will be documented and forwarded to the Chief of Police for final decision.

**IX. TESTING STRUCTURE**

- A. Employees will be notified of the specified date for promotional testing. Employees desiring to test for any promotional position(s) must submit a letter of qualification for those positions. This letter should indicate their satisfaction of the minimum requirements for the position(s) along with any other qualifications the employee wishes to include. This letter will be evaluated as part of the administrative review.

**B. Written Test (Pass/Fail)**

A written test will be administered for Detective and Sergeant positions when deemed necessary by the Chief of Police. The written test will be graded and results forwarded directly to a designee of the Chief. The employee must meet a minimum score of 75% in order to be eligible for the promotional process. Once the written test is satisfactorily completed, the test will be good for any other promotional process in the future as long as the employee maintains continuous employment with the department. The score of the test will not be a factor in the overall points awarded to the employee.

**C. Oral Interview (maximum 200 points)**

An interview panel chaired by the Chief of Police, or designee, will be established. The panel will consist of up to (2) external law enforcement representatives, (2) internal law enforcement representatives and up to (2) local citizens. The interview panel will individually score each candidate; however the highest and lowest score for each candidate will be excluded. The final score for each candidate will be submitted to a designee of the Chief.

**D. Essay Question (maximum 100 points)**

Each promotional position will include an essay question to be completed prior to the oral interview. The essay question will be about the actual position the employee is testing for. The general topic from which the question will be asked will be given to the employee (7) days prior to the oral interview to allow time for the employee to conduct any research and prepare. The essay response will be typed at a designated time and submitted to a designee of the Chief of Police, who will assign a number to it in substitution of the candidate's name. Each essay will be evaluated by the Chief and the command staff without knowledge of the submitting candidate and rated for its overall response to the question, structure, grammar, spelling, etc. The final scores for each *numbered* essay will be returned to the Chief of Police.

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E. Practical Exercise (maximum 100 points)

Each position will have a practical exercise(s) that will consist of duties and job skills for the position being tested for. The candidate will be notified of the designated time and location where the practical exercise will be conducted. The exercise will be evaluated by a designee of the Chief of Police, on the employee's knowledge and judgment during the exercise.

F. Experience / Education / Community Involvement (maximum 20 points)

Each candidate is eligible for additional points based on years of experience, education, and service to the community as follows:

1. Years of Experience

- a. for certified positions: 1 point for each year of full-time experience from date of certification as a police officer (non-certified experience will not be eligible)

2. Education

Degrees may be in any field of study, but must be from a regionally accredited College/University and only the highest degree attained by a candidate shall be counted:

- a. Associates Degree (2 points)
- b. Bachelor's Degree (4 points)
- c. Master's Degree or higher (6 points)

3. Community Service

½ point (up to 2 pt maximum) for each documented sustained or significant involvement in service to the community of Hobbs or a non-profit organization in Hobbs during the previous 24 month period. Examples include, coaching little league, serving as a board member for a non-profit organization, etc. Examples of areas that would not be eligible include, service to a religious organization without community benefit, donating blood, one day involvement in litter pick-up, etc.

*It will be the candidate's responsibility to request any points for experience, education, or community service and provide any necessary documentation at the designated time to justify the awarding of these points by the designee of the Chief of Police. Failure by a candidate to make this request or provide adequate documentation will cause the candidate to forfeit any eligible points. The Chief of Police, or designee, will have sole determination as to whether or not to award any points based upon the documentation provided.*

G. Administrative Review (maximum 80 points)

Each supervisor within each candidate's chain of command shall review each applicant's overall work history. This review may include, but is not limited to:

1. Personnel file;
2. Performance Evaluations;
3. Commendations;
4. Corrective actions and Discipline;

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5. Internal Investigations and Citizen Complaints;
6. Education;
7. Skills/Training for the position;
8. Attendance record;
9. Specialized appointments (CID, FTO, etc...)
10. Seniority
11. Work ethic

At the conclusion of this review, the supervisors within the candidate's chain of command will assess a value based upon the employee's overall ability to perform the job and in the overall best interest of the Department.

**X. SELECTION / RANKING**

- A. Employees who successfully complete the promotional process for each position shall be ranked according to the overall results of the process. The ranking will be tabulated by the Chief of Police, or designee, based upon the combination of all scores for the candidate. Upon request, the candidate will receive written notification of their results for each element of the process, along with their final ranking for their review. This ranking shall be in effect for 180 days from the date of the testing.
- B. The Chief of Police will select from the top three highest scoring candidate's for the position to fill available vacancies. The promotion may be delayed based upon manpower needs at the time.
- C. Once a vacancy is filled, the Chief of Police may select from the next three highest scored candidates for future promotion should another vacancy occur within the next 180 days for that position
- D. During the 180 days of eligibility, a ranked employee may be temporarily removed from promotional consideration due to significant acts of misconduct or other behavior which brings into question their ability to perform the job or properly represent the Department in the new position. The Chief of Police will have sole authority in this decision and will provide the employee with a written explanation outlining the cause for the action.
- E. Once an employee has been selected to fill a promotional vacancy, they will have a conference with their immediate supervisor, and the Chief of Police if deemed necessary, to discuss performance expectations in the new position along with any other questions/issues which may need to be addressed.

**XI. PROBATIONARY PERIOD**

- A. All employees who are promoted or transferred shall have a one year probationary period. The performance of an employee on probation should be closely monitored.
- B. As early as possible during the probationary period, unsatisfactory performance should be brought to the attention of that employee to allow time for improvement. The employee should be informed that failure to improve the performance to satisfactory level could be cause for a return to the former rank or status. If unsatisfactory performance fails to be corrected by the employee in question during this period, a written recommendation may be made to the Chief of Police for removal of that employee through the Chain of Command.

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- C. The procedure for removal and return to prior rank of a non-union employee during the probationary period for promotions or transfers will be governed by City of Hobbs Personnel Rules.
- D. The procedure for removal and return to prior rank of a union employee during the probationary period for promotions and transfers will be governed by both the Union Contract and City of Hobbs Personnel rules, with the Union Contract being the controlling document in the event of any conflict between the two.

**XII. TRANSFERS WITHIN THE DEPARTMENT**

- A. When a vacancy exists at the level of Sergeant or Lieutenant in another division or section and that position is opened for transfer, any current Sergeant or Lieutenant may apply for a transfer. A notification will be posted concerning the position with a minimum of five (5) days being provided for a request.
- B. If a current Sergeant or Lieutenant is not interested in the vacant position; or they are deemed to be unqualified or unsuitable for the transfer; and the Chief decides not to make a transfer of an existing Sergeant or Lieutenant, the promotional process rankings will be utilized to fill the position.
- C. The Chief of Police may transfer employees of any rank or position to another Division.
- D. At the discretion of the Chief of Police position assignment may be changed based on business necessity with consideration for the needs and desires of the employee. The good of the Department and City shall take precedent over the desires of the employee.

**XIII. SPECIAL ASSIGNMENTS / ADDITIONAL DUTIES**

- A. It may be necessary from time to time for the department to create a highly specialized assignment to meet an identified problem or condition. It may also be necessary to create an additional duty such as a program, activity, or organizational component to upgrade the quality of service to the citizens.
- B. The criteria for assignment is based on the skills, knowledge, and abilities required for the position and includes consideration for education and experience.
- C. When an assignment is proposed or a vacancy exists, a notice will be posted a minimum of five (5) days before the selection process starts. The notice will contain a description of the assignment and the necessary requirements for selection consideration. For security reasons it is not required to announce, in writing, openings in undercover or similar assignments.
- D. Candidates interested in the position will submit a detailed letter of qualifications through their chain of command to the Chief of Police, or designee, overseeing the special assignment or additional duty. This letter should indicate their satisfaction of the minimum requirements for the position(s) along with any other qualifications the employee wishes to include.
- E. The process for selection of interested candidates will be determined by the Chief of Police or designee. The process will generally consist at a minimum of an administrative review for each candidate.
- F. Final selections are made by the Chief of Police or designee based on business necessity.
- G. Departmental personnel may apply for as many positions as desired.



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- H. At this time the special assignments or additional duties include:
  - 1. Canine Officer
  - 2. Traffic Officer
  - 3. S.W.A.T. Team
  - 4. Task Force Agent
  - 5. School Resource Officer
  - 6. Field Training Officer
  - 7. Criminal Interdiction Unit
- I. Personnel selected for special assignments or additional duties may be required to complete training specific to the function in order to further develop/enhance skills, knowledge, and abilities particular to the assignment; including supervised on-the-job training.
- J. All special assignments/additional duties shall be reviewed annually in conjunction with an employee's annual performance evaluation. This review shall include the employee's performance in the assignment along with their performance in their primary position or rank.
- K. Special Assignments/additional duties shall be reviewed as needed and required by the Chief or designee to determine if the assignment should continue, avoid overspecialization and ensure the continued effective operation of special operations.
- L. Individuals may be removed from an assignment or duty at any time for any reason, or no reason, as determined by the Chief of Police or designee.

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**SECTION 16 – MERITORIOUS AWARDS PROGRAM**

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**I. STATEMENT OF PURPOSE**

The purpose of the Hobbs Police Department Meritorious Awards Program is to create written, communicative criteria and procedure for recognition of commendable acts and to provide physical evidence of recognition by the Department for acts of valor, the saving of human life, exceptional service, and outstanding achievements performed by members of the Hobbs Police Department while in the service of the Department and public.

**II. REVIEW BOARD**

**A. Purpose**

The purpose of the Review Board is to review cases involving particularly meritorious service and to make recommendations to the Chief of Police for the proper recognition of outstanding acts performed by members of this department.

**B. Composition and Guidelines**

The Awards Review Board shall consist of a Chairperson and three (3) members of the supervisory staff of the Hobbs Police Department as permanent members and one member of the first or second line supervision staff as a rotating member, as selected by the Chief of Police. The Board shall be directly responsible to the Chief of Police, who shall serve as Ex-officio Chairperson.

1. The Chairperson shall be responsible for the agenda of the Board.
2. The Board shall meet as often as needed with each member being notified of the time and place by the Chairperson.
3. The level of recognition will be left to the judgment and careful deliberation of the Board, which will bear the responsibility of maintaining the stature and honor of the awards.
4. The recommendation(s) of the Board shall be forwarded to the Chief of Police for final approval. In case of a tie vote by the Board, the Chief of Police will cast the deciding vote.
5. The Chairperson shall be responsible for press releases to the news media and scheduling of the presentation ceremonies (if applicable) upon the final approval of the Chief of Police.
6. The Board will review recommendations for all awards listed in this program with the exception of "Letter of Commendation", which are normally handled at division level. But, after deliberation, the Board may recommend any of the levels of awards found fitting, including the "Letter of Commendation."

**III. INITIATION OF RECOMMENDATIONS**

- A. Recommendations for awards may be initiated by anyone who has information and knowledge of the facts of an incident in which outstanding acts have been performed by a member of the Hobbs Police Department.
- B. Members of the supervisory staff shall be particularly cognizant of actions of their subordinates that should be commended and shall consider it an obligation to initiate award proceedings.

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- C. The initiating member shall create an entry in Guardian Tracker which will include a complete account of the incident, and all actions taken by each member involved.
- D. The recommendation shall be forwarded, in Guardian Tracker, to the Division Captain of the initiating member, and then forwarded to the Division Captain of the member being cited. After review by the Division Captain(s), the recommendation will be forwarded to the Chief of Police, with such comments as necessary and attached by the Division Captain(s). The Chief of Police will forward the recommendation to the Chairperson of the Awards Review Board.
- E. Recommendations for awards should be submitted as soon as possible after the event. Recommendations covering actions more than three (3) months old must be approved by the Chairperson of the Awards Review Board prior to submission to the full board. This approval will be based only on the circumstances that delayed the recommendation only, not the actual act or event.
- F. All members of the department, regardless of rank or assignment are eligible for these awards.
- G. A member of the department, believing him entitled to any of these awards for performance of an act covered herein, but for which no recommendation has been made, may submit in writing a detailed account of the event to his immediate supervisor. This shall be forwarded to the member's Division Captain with such comments as necessary appended by the member's supervisors. The recommendation shall then be handled as above.

**IV. AWARDS**

**A. Medal Of Honor**

- 1. The highest award given by the Hobbs Police Department.
- 2. Awarded to a department member who voluntarily distinguished him conspicuously by gallantry and extraordinary heroism. The act must be in excess of normal demands and of such a nature that the member was fully aware of the imminent threat to his personal safety and acted above and beyond the call of duty at the risk of his own life.
- 3. This award shall consist of a medal with neck sash to be worn of the Class "A" dress uniform, a ribbon to be worn on the duty uniform, a lapel pin for civilian attire wear and a certificate of award.

**B. Supreme Sacrifice Plaque**

- 1. Awarded where a member lost his life in performance of duty under honorable conditions and circumstances. This award may be awarded in addition to any other award, except the Purple Heart, if the circumstances so justify.
- 2. This award shall be a plaque selected by the Board, mounted with the badge of the member that made the supreme sacrifice and with appropriate words inscribed, as ordered by the Board.
- 3. This award shall be presented to the deceased member's survivors, family, or other person(s) as decided by the board if the deceased member has no surviving family.

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**C. Medal Of Valor**

1. The second highest award made by the Hobbs Police Department.
2. Awarded for exceptional bravery at imminent risk of serious bodily injury; the recipient having demonstrated exceptional courage during a voluntary course of action in an extremely dangerous situation.
3. This award shall consist of a medal to be worn on the Class "A" dress uniform, a ribbon to be worn on the duty uniform, a lapel pin for civilian attire wear, and a certificate of award.

\* The term "above and beyond the call of duty" in the qualification for the Medal of Honor and the term "voluntary course of action" in the qualifications for the Medal of Valor shall disqualify actions, no matter how great, while performed in the course of carrying out specific verbal or written orders. The determination of which acts, if any, go beyond these specific orders will be made by the Board.

**D. Police Meritorious Award**

1. The third highest award made by the Hobbs Police Department.
2. Awarded for:
  - a. a heroic deed or exceptional meritorious conduct involving exemplary courage, risk or a danger to his personal safety.
  - b. meritorious service in a duty of great responsibility; the duty reflecting excellence in such performance and distinguishing him and the department in carrying out such performance.
3. This award consists of a ribbon to be worn on either the Class "A" dress uniform or the regular duty uniform.

**E. Police Purple Heart**

1. Awarded to:
  - a. any member who suffers grievous bodily injury in the line of duty due to an assault;
  - b. any member who suffers grievous bodily injury in the line of duty due to, or as a result of fires, explosions, natural disasters or similar events completely beyond the control of the member.
2. May be awarded in addition to any other award except the Supreme Sacrifice Award, when the facts of the event show the member is entitled to such awards.
3. Any injury for which this award is given must not be the result of, or concurrent, with any conduct of the member which is less than acceptable by the standards of professional conduct.

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4. This award shall consist of a medal to be worn on the Class "A" dress uniform, a ribbon to be worn on the duty uniform, and a certificate of award.

**F. Life Saving Award**

1. Awarded to any member directly responsible for the saving or prolonging of a human life
2. The recommendation for this award should be accompanied by documentation to show the member was directly involved in saving a human life. Also covered, are those instances where a member's actions directly result in the prolonging of a human life, even though the victim may die later. The circumstances involved are to be judged by the Board.
3. This award shall consist of a ribbon to be worn on the duty uniform and a certificate of award.

**G. Letter Of Commendation**

1. Awarded for excellence in professional police work.
2. To be awarded to members for outstanding performance of duties under unusual, complicated or hazardous conditions over any period of time. Such performance must be clearly defined as exceptional, when judged against the accepted norm.
3. This award may be awarded to any distinct work group of members when the actions of the group as a whole meet the above qualifications. When so given, the Letter of Commendation shall be presented to the leader of the group, as a representative of the group, with copies given to each member and entered into their respective files. The Letter of Commendation given to a group shall list all those members included in the commendation.
4. May be awarded by a Deputy Chief or Division Captain, on approval of the Chief of Police or by the Awards Review Board after consideration of a recommendation.
5. Authorizes the wear of the Commendation Ribbon

**H. Citizen's Letter Of Commendation**

1. All citizens are eligible for this award.
2. This award will be given when a citizen's actions exemplify excellence in the performance of civic responsibilities; result in the saving or prolonging of a human life, show unselfish devotion to his fellow citizens and the community as a whole; or bring honor to him self and recognition to the city.
3. Any Department member who has knowledge of a meritorious act by a citizen should submit (through the chain-of-command) a recommendation setting forth the events surrounding the action of the citizen. The member's Division Captain will then forward the recommendation to the Chairperson of the Awards Review Board, with appropriate remarks appended. The award will be handled as outlined above for other awards.

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4. This award may also be given by the Chief of Police or the Deputy Chief (with the approval of the Chief of Police) without going through the Awards Review Board.

#### **V. PRESENTATION OF AWARDS**

All awards and certificates authorized and granted under this program will be presented by the Chief of Police or his designee. The awards will be made at a time and place and with such ceremony as required by the nature and dignity of the award.

#### **VI. WEARING OF THE AWARDS**

##### **A. Class "A" Uniforms**

1. Medal of Honor: To be worn with the neck sash; the medal centered to the front over the wearer's heart.
2. Medal of Valor and Purple Heart: To be worn on the left breast pocket flap. The top edge of the ribbon should be even with the top edge of the pocket flap and positioned at the inside corner, if one medal is worn. For multiple medals, the highest ranking is worn at the inside corner with the other in descending order at the outside corner.
3. Service Ribbons will be worn directly above the right shirt pocket, with a maximum of three per row and as many ribbons as have been earned and will be positioned centered on the shirt pocket with the lower edge affixed just above the top pocket seam. The name tag will be centered on the shirt pocket with the upper edge affixed just below the top pocket seam.
4. The issued American Flag will be centered above the top row of Service Ribbons and separated by ¼ inch. If no Service Ribbons are worn the Flag will be centered above the nameplate.
5. Additional Specialty pins may be worn at the discretion and approval of the Chief of Police. These pins may consist of Traffic Wings and Bike Patrol and will coincide with the color of the officer's badge.

##### **B. Standard Uniform**

1. All awards where a medal is given will be represented by the award ribbon on the standard uniform.
2. The medal bars will be worn centered above the right breast pocket flap, with the top edge of the bar even with the top edge of the pocket flap. The ribbon bar (or group of ribbon bars) will be centered immediately above the nameplate with the highest ranking on the outside and the orders in descending order to the inside. Those that choose to wear their ribbons will center their nameplate on the shirt pocket with the upper edge affixed just below the top pocket seam. The maximum number of ribbons will be six on the standard uniform and will be positioned centered on the shirt pocket with the lower edge affixed just above the top pocket seam.

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**C. Civilian Clothing**

1. **Medal of Honor:** May be worn with civilian clothes on appropriate occasions as approved by the Chief of Police. The Medal of Honor will be worn with the neck sash in the same manner as set forth for Class A" uniform wear.
2. **Other Awards:** A lapel pin is provided with other awards for wear with civilian clothing. The pin is for wear with business suits or similar attire and is not to be worn with casual clothing. The lapel pin will be worn on the left lapel of a suit. For female attire, the pin is to be worn in an appropriate location, depending on the style of the clothing.
3. **No medal or bar may be worn with civilian attire unless approved by the Chief of Police.**

**VII. MEDALS AND SERVICE RIBBONS**

Medals and Service Ribbons are a way for employees to display their accomplishments and a way for the Department to recognize dedication and effort. The listed medals and service ribbons are approved and issued by the Department. The first Medal / Ribbon / Lapel pin will be provided by the Department. All replacements are the responsibility of the officer.

Medals may be displayed by an officer after they have been presented to them by the Chief of Police or designee, no matter the amount of service time. Service Ribbons may be displayed by officers who are non-probationary.

**MEDALS / SERVICE RIBBON / LAPEL PIN**

**MEDAL OF HONOR**



**SERVICE RIBBON**



**LAPEL PIN**



**MEDAL OF VALOR**



**SERVICE RIBBON**



**LAPEL PIN**



**POLICE MERITORIOUS RIBBON**

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**PURPLE HEART**



**SERVICE RIBBON**



**LIFE SAVING RIBBON**



**SWORN OFFICER / SUPERVISOR OF THE YEAR RIBBON**



Any sworn personnel who have earned the title Officer of the Year or Supervisor of the Year through the Department, the Jaycee's or the Eagles may add this ribbon to their uniform.

**COMMENDATION RIBBON**



Awarded to those officers who have received a Letter of Commendation from the Chief of Police.

**FBI NATIONAL ACADEMY RIBBON**



The FBINAA ribbon is for those who have attended and successfully completed the FBI National Academy.

**EDUCATION RECOGNITION RIBBON**



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**Associate Degree**



**Bachelors Degree**



**Masters Degree**



**Doctorate**

**MILITARY SERVICE RIBBON**



In recognition of those personnel who served and were honorably discharged or those who are currently serving in the United States Armed Services.

**SEPTEMBER 11, 2001 – SERVICE RIBBON**



Awarded to those officers who were certified and commissioned law enforcement officers on September 11, 2001.

**CHIEF'S HUMANITARIAN RIBBON**



This ribbon is awarded to an officer who has greatly contributed to the community in areas of teaching / education, social justice, environmental justice, economic or social equality, community building or child advocacy.

**CID RIBBON**



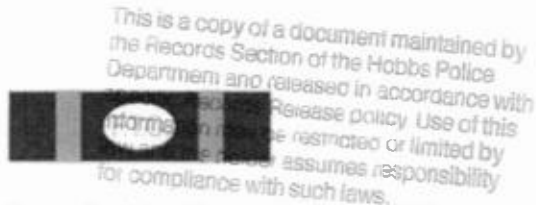
Awarded to those officers who have been promoted to Detective.

**SCHOOL RESOURCE OFFICER RIBBON**



Awarded to those officers who have been selected and have served in the SRO program.

**FIELD TRAINING OFFICER RIBBON**



Awarded to those officers who have been selected and have served as an FTO.

**SPECIAL UNIT RIBBON**



Awarded to those officers who have been assigned to a special unit and who left the unit in good standing.

**HONOR GUARD RIBBON**



Awarded to those officers selected to serve on the Department's Honor Guard and who are in good standing with the team.

**INSTRUCTOR RIBBON**



Awarded to those officers who have successfully completed Instructor Development and have obtained their Instructor Certificate from the State of New Mexico.

**FIREARMS INSTRUCTOR RIBBON**



Awarded to those officers who have successfully completed a NM DPS Firearms course and are currently instructing for the department.

**S.W.A.T RIBBON**



Awarded to those officers who have been selected to serve with the Department's SWAT team.

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**K-9 RIBBON**

A black rectangular ribbon with the text "K-9" in white, bold, sans-serif font.

Awarded to those officers who have been selected to serve with the Department's K9 team.

**NEGOTIATOR RIBBON**



Awarded to those officers who have been selecto to serve as a Negotiator with the Department's SWAT Team.

**DRUG RECOGNITION EXPERT RIBBON**

A black rectangular ribbon with the text "DRE" in white, bold, sans-serif font.

Awarded to those officers who have successfully completed the DRE program.

**RECRUITING RIBBON**

A black rectangular ribbon with the text "RECRUITER" in white, bold, sans-serif font.

Awarded to those officers who have actively participated in the recruiting efforts of this Department whether upon assignment or on their own.

**DETENTION OFFICER RECOGNITION**



5 Years of Service



10 Years of Service



15 Years of Service

Awarded to Detention Staff who have completed the listed year of service.

*Service Ribbons not listed may be approved by the Chief of Police upon a written request through the Chain of Command.*

**CHAPTER 2**  
**SECTION 17 – GRIEVANCE PROCEDURES**  
**PAGE 1**

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*Eff. Date: (05/01/97)*

**I. STATEMENT OF PURPOSE**

The purpose of this order is to establish a fair, responsive and orderly system by which employees may express their concerns and when appropriate, be granted relief. A grievance shall be defined as any complaint or problem concerning any employee's duties or working condition. This order exists in conjunction with the City of Hobbs Personnel Manual.

**II. PROCEDURES**

Refer to the City of Hobbs Personnel Manual for the established procedure to be used in filing a grievance with the following exception:

In compliance with 29-14-7, NMSA 1978, an officer with this Department may file a written response to any document containing adverse comments entered into his personnel file within thirty (30) days after the document was entered. This written response shall be attached to the document.

**III. GRIEVANCE RECORDS**

Grievance records are maintained in separate files in the Human Resources Department. A copy of all grievance related records which originate from this department shall be forwarded to the Chief of Police or his designate who will maintain a file of all grievances. Grievance records are reviewed only on a need to know basis.

**IV. ANNUAL ANALYSIS**

The Chief of Police has the authority to review any grievances, which originate from this department, on an annual basis to determine if there are any trends which can be detected so that steps may be taken to minimize the causes of such grievances in the future.

**CHAPTER 2**  
**SECTION 18 – DISCIPLINARY SYSTEM**  
**PAGE 1**

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Rev. Date: (02/26/09)

**I. STATEMENT OF PURPOSE**

It is the policy of the Hobbs Police Department to foster a program of discipline which defines the word “discipline” as “training or development through instruction”. The immediate purpose is to channel the employee’s effort into effective and productive action. It is the Department’s intent to administer discipline in a manner that is both consistent and fair to the employee and the Department. All personnel shall observe rules, regulations, policies and procedures which have been set forth in both the City of Hobbs Personnel Manual and the Department Rules and Regulations.

**II. ADMINISTRATION OF DISCIPLINE**

- A. In the administration of discipline, a supervisor must consider the totality of the circumstances surrounding the allegation of misconduct. The decision must resolve the legality and appropriateness of the action with consideration of the individual’s interest and the probable effect of the disciplinary action upon the attainment of department objectives. Disciplinary actions will be based on just cause. The degree of discipline will be based on the severity of the offense, the employee’s work history, and any mitigating or aggravating circumstances.
- B. Any department supervisor may take disciplinary action against an employee pursuant to the department supervisor’s authority and consistent with city and departmental policies and the bargaining unit contract. Copies of any disciplinary action involving written reprimands, demotions, suspensions, or discharge shall be furnished to the Personnel Department for placement in the employee’s file with the signature of the recipient acknowledging receipt of the action, or indication that the employee refused to sign.
- C. Department supervisors shall discuss proposed or actual disciplinary action with an employee and not in the presence of co-workers unless representing the City or the employee in a meeting.

**III. PROGRESSIVE DISCIPLINE**

In accordance with City policies, employees shall be progressively disciplined when practical.

**IV. TRAINING AS A FUNCTION OF DISCIPLINE**

- A. Training should be provided when specific performance problems can be related to a failure of training or the agency’s failure to train. Supervisors should consider training as a primary tool in the solution of performance problems of employees and work with the Training Lieutenant to identify training problems, and to work toward their solution on behalf of the employee. Training may be used to supplement any disciplinary action.
- B. Before training is provided as a function of discipline, a written order is prepared by the supervisor who orders that the employee undergo disciplinary training forwarded to the affected employee via the chain of command. A copy is prepared for inclusion in the employee’s personnel file. The order shall contain the specific facts which indicate the need for training and the purpose to be achieved from the training.

Once training is completed, a written post-training report shall be prepared by the individual who directed the training. The report shall contain the specific training recommended and a summary outlining the extent to which the training experience was successful when compared to the training objective(s). A copy will be placed in the employee’s personnel file.

**CHAPTER 2**  
**SECTION 18 – DISCIPLINARY SYSTEM**  
**PAGE 2**

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Rev. Date: (02/26/09)

**V. COUNSELING SESSION**

All supervisors have the discretion to give counseling sessions for minor infractions. Verbal counseling is used for minor infractions such as informing the employee that his actions, behavior, or conduct needs to change. Unless otherwise required by the Collective Bargaining Agreement, the following will apply:

A notation of the counseling session, including details of the violation and supportive facts, will be made on the subordinate's departmental file comment sheet. It will be signed by the subordinate and the issuing supervisor at the time of entry. This is not necessarily an agreement with the action but an acknowledgment of the action; however, if the subordinate refused to sign the entry the supervisor will so note and have it witnessed by another supervisor.

**VI. WRITTEN REPRIMAND**

A supervisor may reprimand an employee in writing for cause. The written reprimand shall be submitted to the employee, and a copy shall be kept in the employee's personnel file. The employee may respond in writing to the written reprimand which will also be kept in the employee's personnel file. Unless otherwise required by the Collective Bargaining Agreement, the following policies shall apply;

- A. The letter, along with supportive documentation, will be sent to the Division Captain through the chain of command.
- B. Any succeeding supervisor may return the letter and attachments to the previous supervisor and request further information or investigation. Division Captains may uphold, modify, or rescind the written reprimand. Division Captains may consult a higher authority when making this decision.
- C. Upon concurrence with the written reprimand, the Division Captain will return the letter and attachment to the originating supervisor via chain of command.
  1. The supervisor will present the original letter and all attachments to the subordinate for review. The subordinate will sign the signature block for acknowledgment of receipt. This signature is simply an acknowledgment of the letter and is not an agreement with the contents thereof. If the subordinate refuses to sign the document, the supervisor will so note and have it witnessed by another supervisor. The supervisor will furnish a copy of the letter and all attachments to the subordinate.
  2. The supervisor will forward the original letter and attachments through the Chain Of Command to the City Human Resources Office.

**VII. SUSPENSION**

Recommendations for suspensions must be approved by the Chief of Police and the Human Resources Director; based on cause and for a period of not more than 120 hours. Suspension procedures will be in accordance with the Collective Bargaining Agreement and City policies.

**VIII. DEMOTION**

Recommendations for demotion to a lower classification must be approved by the Chief of Police based on cause and shall be made in conjunction with other disciplinary recommendation(s). Demotion procedures will be in accordance with the Collective Bargaining Agreement and City policies.

**CHAPTER 2**  
**SECTION 18 – DISCIPLINARY SYSTEM**  
**PAGE 3**

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**IX. DISMISSAL**

Recommendation for dismissal shall be made by the Chief of Police based on cause and submitted to the City Manager for final review and approval. Dismissal procedures will be in accordance with the Collective Bargaining Agreement and City policies.

**X. PRE-DISCIPLINARY MEETING**

Unless otherwise required by the Collective Bargaining Agreement, pre-disciplinary meetings for suspensions, demotions, and dismissals will adhere to the City of Hobbs Personnel policies.

**XI. REMOVAL FROM SPECIALIZED ASSIGNMENT**

Because an assignment to a specialized position involves a competitive process and elevation of status and/or additional compensation, an employee may not be removed from a specialized assignment without due process. This does not apply to temporary assignments.

**XII. DISCIPLINE WHILE ATTENDING TRAINING**

While attending Department authorized training (i.e., New Mexico Law Enforcement Academy) employees may be subjected to sanctions by that governing authority in addition to discipline as set forth in this manual.

**XIII. IMMEDIATE RELIEF FROM DUTY**

When it shall be deemed necessary for the preservation of good order, efficiency or discipline, a ranking supervisor or command officer may immediately relieve a subordinate employee from duty. Upon relieving the employee from duty, the ranking supervisor or command officer will immediately notify his chain of command, as well the employee's chain of command. The ranking supervisor or command officer will document the facts and circumstances surrounding the incident as soon as possible. This will be forwarded through his chain of command. Approval for this action must be obtained from the City Manager as soon as possible.

An employee who has been relieved from duty under these circumstances will comply with all reasonable and lawful orders given by any ranking supervisor or command officer.

**XIV. RELIEF FROM DUTY PENDING INVESTIGATION**

Personnel who are officially relieved from duty are relieved for an indefinite period of time pending the outcome of a specific process such as, but not limited to, an internal affairs investigation or administrative investigation.

- A. When officially relieved from duty, personnel shall surrender their badges(s) of office, commission cards(s), portable radio, issued weapons(s), take home vehicle and any other departmental property which may be deemed critical in nature, to the relieving supervisor or command officer.
- B. Personnel who have been officially relieved from duty shall not wear any identifiable part of the official uniform and shall not act in the capacity of, nor represent themselves as, a police officer or police employee and shall not perform any police function.

**CHAPTER 2**  
**SECTION 18 – DISCIPLINARY SYSTEM**  
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Rev. Date: (02/26/09)

**XV. RESPONSIBILITY FOR COURT ATTENDANCE**

Personnel who are relieved from duty under any circumstances or who are on suspension and are scheduled for court are still responsible for their appearance in court and must appear as designated by the court. Personnel will be paid accordingly under these circumstances.

**XVI. SPECIAL DETAIL**

Personnel who are relieved from duty, under any circumstances, will not be allowed to participate in special detail assignments during the time of relief.

Personnel who are on suspension will not be allowed to participate in special detail assignments during their suspension day(s).

Personnel who are relieved from duty or on suspension and are scheduled for special detail during the specified times, are responsible for notifying their immediate supervisor that they will be unable to appear for the assignment. Notification shall be made at the earliest possible time.

**XVII. CONDUCT WHEN SUSPENDED**

A suspension will be considered a disciplinary action deemed appropriate only after a pre-determination hearing has been held in accordance with the City of Hobbs Personnel Manual. Personnel who are on suspension are considered to be non-paid, non-duty personnel who may return to active duty upon completion of the suspension term.

During a period of suspension, personnel shall not wear any identifiable part of the official uniform and shall not act in the capacity of, nor represent themselves as, a police officer or police employee and shall not perform any police function.

**XVIII. ADVISE OF CHARGES AND DECISIONS**

Personnel will be provided with copies of all proposed changes and final decision, when requested.

**XIX. APPEALS**

Any appeal of disciplinary action will be in accordance with City policy and the Collective Bargaining Agreement.



**CHAPTER 2**  
**SECTION 19 – EMPLOYEE RIGHTS**  
**PAGE 1**

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**Rev. Date: (10/04/05)**

**I. STATEMENT OF PURPOSE**

In the event an employee becomes the subject of a complaint of a serious nature, procedures have been developed to guard an employee's rights. This order addresses an employee's rights when making statements and in disciplinary actions.

**II. STATEMENTS**

In the event an employee is the subject of an investigation which could result in administrative sanctions, the following guidelines will be followed:

- A. Any investigations will follow requirements as set forth in Chapter 29--Article 14, NMSA 1978 Peace Officer's Employer-Employee Relations.
- B. The interview may be postponed for a reasonable time from the time the officer is informed of the interview and the general subject matter thereof.
- C. This section shall not apply to questions from a supervisor in the course of performing normal day-to-day supervisory duties or a request for the preparation of detailed reports.

**III. DISCIPLINARY ACTIONS**

When an employee is required to appear before a supervisor for disciplinary action, the employee shall have the following rights:

- A. When two or more supervisors are involved in administering a disciplinary action to an employee, either may request that a tape recording be made of the proceedings.
- B. In all cases of disciplinary action it shall be the responsibility of the ranking supervisor administering the disciplinary action to refer the employee to the Grievance procedures and the City Personnel Manual for appeal procedures.

**IV. CONSTITUTIONAL RIGHTS**

When an employee is the subject of a complaint which is criminal in nature, the employee shall be afforded all rights entitled by the Constitution.

**CHAPTER 2**

**SECTION 20 - COMPLAINTS OF MISCONDUCT**

**PAGE 1**

Rev. Date 06-09-09

**I. STATEMENT OF PURPOSE**

It is the policy of the Hobbs Police Department to accept all complaints of alleged employee misconduct, to equitably determine whether the allegations are valid or invalid, and to take appropriate action. All complaint investigations will be conducted in an objective, fair, and impartial manner to maintain the trust of our community while fostering a fair workplace environment for our employees.

Nothing in the following policy precludes supervisory employees from communicating with non-supervisory employees regarding normal day-to-day operations of the City of Hobbs Police Department.

**II. DEFINITIONS**

**A. Complaint:**

1. Any alleged act or omission by personnel which is contrary to the rules, procedures, or policies of the Hobbs Police Department or the City of Hobbs Personnel manual.
2. Any alleged act or omission which, if substantiated, would constitute a violation of the Constitution, or laws of the United States of America, or the State of New Mexico, or the ordinances of the City of Hobbs.
3. Any allegation which tends to indicate an actual or potential defect in Department policy, procedures, rules, or the police service delivery system.
4. Citizen Complaints are those generated when a citizen makes an allegation against an employee, regardless of the nature.
5. Administrative Investigations are those which are initiated internally concerning an employee. In these instances the Department is the complainant; even if the investigation resulted from conduct reported by another employee
6. Administrative Investigations and Citizen Complaint Investigations are conducted under the auspices of the Administration of the Hobbs Police Department and are considered the same in regard to this policy.

**B. Office of Professional Standards:**

This office is responsible for the investigation of and/or to provide review and monitoring of all complaints which may be assigned for investigation to other supervisory personnel.

This office or those assigned to conduct an internal investigation, have the authority to report directly to the Chief of Police on all matters pertinent to an investigation.

**III. RESPONSIBILITY**

**A. The Office of Professional Standards exists for the following major purposes:**

1. To assist in maintaining departmental integrity through complete and fair citizen complaint investigations and administrative investigations.

**CHAPTER 2**

**SECTION 20 - COMPLAINTS OF MISCONDUCT**

**PAGE 2**

2. To conduct thorough investigations so that proper administrative action can be taken.
3. To enable the City Attorney to render professional legal service to the Chief of Police and his representatives.
4. To maintain the Early Intervention System in order to identify personnel who display a trend toward unacceptable behavior.
5. To notify the Training Lieutenant of training needs identified by the chain of command.
6. To coordinate with all divisions in order to develop methods of improving service delivery.
7. To maintain Citizen Complaint files and Administrative Investigation files in accordance with Departmental rules.
8. Upon receipt of a Citizen Complaint, the Office of Professional Standards personnel will notify the Chief of Police and the Staff of the Hobbs Police Department. The chain of command of the involved employee (s) will be notified by the assigned investigator as soon as possible (per N.M.S.A. 29-14-4.c.3)
9. The Office of Professional Standards investigative responsibilities will include but are not limited to:
  - a. Any investigation as directed by the Chief of Police.
  - b. When the investigation is so complex that it would be impractical for the named employee's immediate supervisor to undertake the investigation.
  - c. When complaints alleging criminal conduct by Departmental personnel are filed.
  - d. In all cases where police personnel have been killed or seriously injured by the deliberate act of any person.
  - e. In all cases where any person has been killed or seriously injured by Department personnel:
    1. by the use of deadly force;
    2. injured by an alleged excessive use of force incident;
    3. through the result of, or during a police action.
  - f. In all cases involving the discharge of firearms by sworn personnel, to include when the discharge was for the purpose of destroying a seriously wounded or injured animal or destroying an animal that presents a danger to the public.
- B. Whenever a citizen complaint investigation or administrative investigation yields evidence of possible criminal misconduct on the part of department personnel or other persons, the Office of Professional Standards personnel shall immediately notify the Chief of Police. The Chief of Police will make the determination of the appropriate action to be taken.

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**SECTION 20 - COMPLAINTS OF MISCONDUCT**

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1. When any peace officer is under administrative investigation and a determination is made to commence a criminal investigation, he shall be immediately notified of the investigation and shall be afforded all the protections set forth in the bill of rights of the United States and New Mexico constitutions (per N.M.S.A. 29-14-8).

**IV. CITIZEN COMPLAINTS**

- A. Citizen Complaint forms will be available in the lobby of the Police Department, in public buildings throughout the City, and on the Department's Internet web site. Instructions to complete the complaint form will be attached.

1. Complainants will not be required to submit a complaint form to initiate a complaint. The form will be offered to the complainant to assist them in relating useful information. If a citizen voluntarily submits a complaint form, they should be encouraged but not required to sign the form. The complaint forms will be submitted to the Office of Professional Standards.
2. No citizen shall be discouraged from filing a complaint and any employee may receive a complaint. Attempts should be made by an available supervisor to resolve a verbal complaint to the citizen's satisfaction during initial communication, such as in a misunderstanding of, or an explanation of policy and procedures. If a complaint cannot be resolved, it should be referred to the Office of Professional Standards.
3. Supervisors who receive a citizen complaint shall mechanically record the conversation as per policy. If a supervisor receives a complaint, that supervisor is responsible for conducting a sufficient preliminary investigation to determine the merits of the allegation(s). In all cases, the receiving supervisor shall submit a Citizen Complaint Investigation Form to the Office of Professional Standards documenting the contact.
4. If a complainant does not allege a violation of criminal law or a citizen's constitutional rights or a serious violation of Department policy, then the supervisor handling the complaint may use their discretion in determining the level of documentation necessary. Reporting the complaint to a higher ranking supervisor should be considered if there are any questions as to how to handle the citizen complaint.
5. Upon receipt of a citizen complaint, a preliminary review will be conducted by personnel of the Office of Professional Standards. This preliminary review consists of a review of any source of information relevant to the complaint. The Office of Professional Standards personnel will submit a report to the named employee's Division Captain for review. Upon review of that preliminary report, the Division Captain or Chief of Police can direct personnel to continue the investigation or close the case with the appropriate disposition affixed if there was ample information to justify the action.
6. Complaints relative to differences of opinion between a police officer and a citizen regarding guilt or innocence of the citizen are not investigated, but are properly disposed of within the judicial system, such as in the issuance of a traffic citation or an arrest. However, if there are indications that the arrest was malicious and/or illegal or there is an allegation of a violation of some law or Departmental regulation on the part of the employee, the complaint will be forwarded to the Office of Professional Standards.

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**SECTION 20 - COMPLAINTS OF MISCONDUCT**  
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7. Investigations due to third party and or anonymous complaints are reviewed the same as any other complaint. After the preliminary review has been completed and a possible violation identified, the complaint may be referred for investigation upon specific order from the Chief of Police. Third party and or anonymous complaints do not receive formal case numbers until such time as a violation has been identified. The Department exercises caution relative to the investigation of these types of complaints to avoid unnecessary harassment of Departmental employees from outside sources.
8. A supervisor may conduct an investigation on an employee under their direct span of control. These may be authorized if, after preliminary review, the Professional Standards Lieutenant determines the complaint is minor in nature (i.e., officers unsafe or illegal driving, conducting himself in a rude manner or abuse of scheduled meal breaks). Whenever such a referral is made, the Office of Professional Standards shall log this referral and once the investigation is completed and approved, the complainant shall receive a written response from the Office of Professional Standards.
9. If after referral, or at any point during an investigation, there appears to be a conflict of interest, this will be reported, via the investigators chain of command, to the Office of Professional Standards Lieutenant. Appropriate action, approved by the Chief of Police or his designee, will be taken to alleviate that conflict.
10. All citizen complaints described herein will be entered into the Citizen Complaint Tracking computer system and assigned case numbers (with the exception of third party or anonymous complaints as previously described).
11. Complaints filed by inmates of the Hobbs Municipal Detention Facility against facility personnel will be handled through the Detention Facility Grievance Process (Chapter 2, section 30 - Jail S.O.P.) unless otherwise directed by the Chief of Police.

**V. CONDUCTING THE INVESTIGATION**

- A. Personnel assigned to the Office of Professional Standards or their designees will conduct thorough and impartial investigations on assigned complaint cases.
- B. The supervisor assigned to investigate the complaint shall notify the employee(s) named in any investigation by letter within 72 hours of the assignment of the investigation, unless doing so may jeopardize the investigation. The notification letter will include a copy of the written citizen complaint (if submitted) and/or a synopsis of the complaint as reported by the assigned investigator. This 72-hour notification will not apply to those employees who are found to be involved as an investigation develops. These employees should be notified by letter as soon as possible upon that discovery. A copy of the Internal Investigation Warning and a copy of the Peace Officer's Employer-Employee Relations (N.M.S.A. 29-14-1 through 11) will be included in the letter. Delivery of the notification letter should be done as not to cause embarrassment or undue pressure to the named employee(s).
- C. Upon receipt of notification of an investigation, the employee shall not discuss the facts, circumstances or details, regarding the incident(s) being investigated with anyone other than the Office of Professional Standards Lieutenant, assigned investigator, or Administrative Staff members. The employee may consult with their representative prior to an interview as described in the Rules for conducting Interviews section.

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**SECTION 20 - COMPLAINTS OF MISCONDUCT**  
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- D. A letter of verification of receipt of the complaint will be sent to the complainant within three (3) days. The letter will include a case number, date of the opening of the investigation, and the name of the investigator.
- E. Investigations will be completed within thirty-days (30) unless extenuating circumstances exist. If the complaint investigation exceeds thirty-days, the complainant will be notified by phone or mail as to the status of the case. The notification and reason for the delay will be noted in the investigative report.
- F. The investigating supervisor shall investigate each case as thoroughly as is necessary to adequately resolve the complaint. The following format shall be utilized as necessary:
  - 1. Complaint synopsis.
  - 2. Allegation(s) listed in the complaint.
  - 3. Employee(s) named in the complaint.
  - 4. Complainant identifying information & witness identifying information.
  - 5. Interviews of complainants & witnesses (employees and or citizens).
  - 6. Investigation (includes any statistical research, photographs, or any other investigative tools which may shed light on the complaint).
  - 7. Officers pocket recorders.
  - 8. Officers video recordings.
  - 9. Radio traffic time line.
  - 10. Recorded telephones.
  - 11. C.A.D. information.
  - 12. Written report synopsis.
  - 13. Memo to the Chief or other supervisors.
  - 14. Findings and conclusions (Captains should consult with the investigator and consider any other infractions which may be appropriate. See XI. A).
- G. The investigating supervisor shall not dedicate any portion of the investigative report to the credibility of the complainant or employee, unless conflicts or discrepancies are discovered during the investigation. The investigator shall report any conflicts or discrepancies in the investigation as they are discovered. The investigating supervisor shall not utilize the past complaint history of the employee nor the criminal history and complaint history of the complainant as an investigative tool. Each complaint investigation should stand on its own without influence from the past of the employee or complainants/witnesses. This does not preclude the Chief of Police or his designee from reviewing an employee's complaint history or chronological file in order to ascertain any patterns of conduct. The Chief or his designee has access to the employees complaint history to ascertain the correct progressive discipline, if applicable, as described in the Hobbs Police Department Disciplinary System.

**VI. ADMINISTRATIVE INVESTIGATIONS**

- A. The Chief of Police may authorize an Administrative Investigation regarding an allegation of employee misconduct in accordance with this policy.
- B. Employees of the City of Hobbs Police Department are obligated to immediately report personnel misconduct.

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- C. When reporting misconduct, employees shall provide specific details and shall be truthful regarding the allegations. A blatantly false allegation will be cause for severe disciplinary action.
- D. Any complaint initiated by Department personnel may be written or verbal. Complaints should be made to the Office of Professional Standards, to the Chain of Command of the person making the complaint, or to the chain of command of the person against whom the complaint is made.
- E. The supervisor receiving an internal complaint will be responsible for eliciting sufficient information to assess the seriousness of the complaint then report the complaint to his immediate supervisor. Allegations of minor infractions should be addressed at the lowest level for appropriate action.
- F. The Chief of Police shall be notified when an internal complaint of significant nature is filed or when reasonable attempts to resolve minor complaint allegations have failed.
- G. Administrative Investigations shall be entered into the appropriate computer tracking system to facilitate use of the Early Intervention System.

**VII. SEARCH OF PERSONAL AND DEPARTMENT PROPERTY**

- A. Personal property shall not be subjected to unreasonable search or seizure without probable cause, and in a criminal investigation not without a search warrant where required by law. Departmental property may be searched at any given time, when there is no reasonable expectation of privacy, even if assigned to or used exclusively by a single person. The investigator may, at any time, reasonably order the delivery to the investigator of any property, document, or other item that belongs to the department.
- B. The fact that the department originated records, documents, computer-accessed information, or other property is contained in personal property will not constitute just cause for a refusal to produce the requested items. Due to the sensitive nature of the work performed by the department, all containers brought onto any department owned premise/property may be subject to search during the scope of an administrative inspection or investigation. Supervisors will not arbitrarily search personally owned property without just cause.

**VIII. COMPLIANCE WITH LAWFUL ORDERS**

- A. Personnel will comply with all lawful orders for information, materials, or assistance when such orders are made by the investigator of a complaint.
- B. Personnel must, as a condition of continuing employment, truthfully answer any and all questions relating to the matter under investigation regardless of whether they are a participant or a witness to the matter. The determination of whether a question is relevant to the matter under investigation shall be made solely by the investigator conducting the investigation. Nothing contained herein shall be the basis for an individual waiving his Fifth Amendment rights under the Constitution or laws of the United States of America or the State of New Mexico.
- C. Personnel shall be afforded all rights and protection provided by law, the Collective Bargaining Agreements, and the Department's Rules and Regulations.

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**IX. RULES FOR CONDUCTING INTERVIEWS**

- A. The following rules will be used by personnel conducting interviews. Personnel conducting administrative investigations or citizen complaint investigations will be considered designees of the Chief of Police with appropriate authority to compel compliance with the investigation. A reasonable attempt shall be made to notify the employee's supervisor of the pending interview.
- B. If it is known that personnel being interviewed are witnesses only, they shall be so informed. If personnel being questioned may be the subject of the investigation, this fact shall be immediately disclosed prior to any questioning.
  - 1. The department shall afford an opportunity for personnel, if they so request, to consult with a representative before being questioned, provided the interview is not delayed more than two hours. The representative, if available, or another person of their choice may be present during the interview. Such representative will not intervene or otherwise interrupt the interview. If there is an interruption by the employee's representative, they will be ordered out of the interview room.
  - 2. Any interrogation of an officer shall be conducted when the officer is on duty or during his normal waking hours, unless the urgency of the investigation requires otherwise (29-14-4.a).
  - 3. Any interrogation of an officer shall be conducted at the employer's facility, unless the urgency of the investigation requires otherwise (29-14-4.b).
  - 4. An officer shall be informed of the name and rank of the person in charge of the interrogation and all other persons who will be present during the interrogation (29-14-4.c.1.).
  - 5. An officer shall be informed of the nature of the investigation, and the names of all known complainants shall be disclosed to the officer unless the chief administrator of the officer's employer determines that the identification of the complainant shall not be disclosed because it is necessary for the protection of an informant or because disclosure would jeopardize or compromise the integrity or security of the investigation (29-14-4.c.2). However, once the investigation is completed and if the issue becomes the subject of a grievance, the name(s) of the complainant(s) will be revealed at the request of the aggrieved.
  - 6. Each interrogation session shall not exceed two hours unless the parties mutually consent to continuation of the session (29-14-4d.1).
  - 7. There shall not be more than two interrogation sessions within a twenty-four hour period, unless the parties mutually consent to additional sessions, provided there shall be at least a one-hour rest period between the sessions (29-14-4.d.2).
  - 8. The combined duration of an officer's work shift and any interrogation session shall not exceed fourteen hours within a twenty-four hour period, unless the urgency of the investigation requires otherwise (29-14-4d.3).
  - 9. There shall not be more than two interrogators at any given time (29-14-4.d.4).



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10. An officer shall be allowed to attend to physical necessities as they occur in the course of an interrogation session (29-14-4.d.5).
11. An officer shall not be subjected to offensive language or illegal coercion by his interrogator in the course of an interrogation session (29-14-4.d.6). Nothing herein is to be construed to prohibit the investigating officer from informing the employee that their conduct can become the subject of disciplinary action.
12. Any interrogation of an officer shall be recorded, either mechanically or by a stenographer, and the complete interrogation shall be published as a transcript; provided that any recesses called during the interrogation shall be noted in the transcript (29-14-4.e). There will be no "off-the-record" conversation except by mutual agreement. All recesses called during the interview shall be noted in the record. Nothing discussed "off-the-record" during the interview shall be used as part of the investigation, official file, or shall be submitted for any official action. The investigating supervisor is responsible for recording the interview as described in 29-14-4.e.
13. The employee shall not be allowed to provide their own mechanical recording device. Only the supervisor conducting the interview is allowed to record the interview.
14. The interview shall be completed as soon as possible, covering all allegations known at that time.
15. An accurate copy of the transcript or tape shall be provided to the officer, upon his written request, no later than fifteen working days after the investigation has been completed (29-14-4.f).

**X. REQUIRED EXAMINATIONS**

- A. Photographs of employees may be taken for use in a photo line-up as part of an investigation when identity is an issue. Photographs taken as part of any criminal investigation may be used in the internal affairs investigation.
- B. Employees will not be directed to participate in a line-up as part of an internal affairs investigation. However, if a line-up has been initiated in a related criminal investigation, the results may be used in the internal affairs investigation.
- C. An employee shall not be required by the Department to disclose information regarding his/her financial status, unless all other reasonable investigative means have been exhausted or except as otherwise required by law (29-14-9).
- D. After reviewing all the information collected in the course of an investigation of a peace officer, the chief administrator of the officer's employer may order the officer to submit to a polygraph examination administered by a licensed polygraph examiner, provided that:
  1. All other reasonable investigative means have been exhausted; and
  2. The officer has been advised of the administrator's reasons for ordering the polygraph (29-14-5).

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**XI. CASE REVIEW AND CLOSING AN INVESTIGATION**

- A. The completed case will be forwarded to the affected employee's Division Captain, or their designee. The Division Captain or designee will have 10 working days (unless extenuating circumstances exist) to review the rules, regulations, laws, and policies sections reported by the investigator. The Division Captain or designee may consider additional rules, regulations, laws, or policies if appropriate and may request additional information from the employee's chain of command or the case investigator to assist in making a determination.
- B. The affected employee's Division Captain will affix a disposition for each allegation with a brief explanation of the factual basis for the finding.

The case disposition options are:

- 1. Sustained - the allegation is supported by sufficient proof.
  - 2. Not Sustained - the evidence is not sufficient to prove the allegation.
  - 3. Unfounded - the allegation is false or otherwise not based on valid facts.
  - 4. Exonerated - the incident that occurred or was complained about was lawful and did not violate policy.
  - 5. Misconduct not based on the original complaint - where misconduct not alleged in the complaint is substantiated.
  - 6. Policy and Procedure - the investigation revealed that the complaint in effect dealt solely with an objection or criticism against an agency policy or procedure and not against an individual officer.
- C. With input from the affected employee's chain of command, the Division Captain will make recommendations for any action to be taken if the case was closed with a disposition of sustained or sustained as to misconduct not based on the original complaint.
  - D. The Division Captain should list all mitigating and aggravating circumstances that were considered. The Division Captain will then recommend the appropriate level of discipline to be imposed.
  - E. In deciding the appropriate discipline for an employee who is the subject of a sustained or sustained as to misconduct not based on the original complaint disposition, the need for non-punitive steps will be evaluated. These may include but not be limited to, remedial training, assignment to a field training officer, transfer, or reassignment.
  - F. The case will be forwarded to the Chief of Police, or their designee, who will have 10 working days (unless extenuating circumstances exist) to review the disposition and subsequent recommendations. The Chief of Police has the authority to amend the findings, disposition, or any other aspect of the investigation.
  - G. When the case is closed with a final disposition, the case file will be returned to the Office of Professional Standards for entry into the appropriate computer tracking system to facilitate the use of the Early Intervention System. The Office of Professional Standards Lieutenant will notify the

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complaining citizen of the disposition by letter.

- H. The Office of Professional Standards Lieutenant will generate a disposition letter addressed to the accused employee, which will be delivered by the employee's supervisor should there be a need to address any additional questions or take any necessary action as a result of the investigation.
- I. All Administrative and Citizen Complaint investigative files are confidential and shall be used exclusively by the Department in assuring internal discipline and integrity. Access to these files is strictly limited and they shall not be released to anyone without the permission of the Chief of Police or by court order.
- J. Employees accused of misconduct in an investigation may submit a letter to the Chief of Police through their chain of command requesting to review that particular investigation. Only upon approval from the Chief of Police will the accused employee be allowed to review the investigative report.

**XII. INVESTIGATIONS BY OTHER AGENCIES**

- A. All Department personnel, upon becoming aware that they or another employee are the subject of/witness in an investigation by an outside law enforcement agency, will notify their immediate supervisor before making any statements to representatives of the outside agency or as soon as possible.
- B. This procedure will ensure that all personnel are fully informed of their applicable legal rights. The investigating agency's policies will apply under these circumstances, which may include, but may not be limited to:
  - 1. Talking with an attorney of their choice, if personnel are the subject of a criminal investigation.
  - 2. Being fully advised of their rights.
  - 3. Having a tape recorder present during the interview or access to a copy of their recorded interview of the criminal investigation.
- C. This requirement may be waived if the officer involved shooting protocol is invoked.

**XIII. RECORDS MANAGEMENT AND PUBLIC OVERSIGHT**

- A. Records maintained in the Office of Professional Standards are considered to be confidential. The information contained therein is confidential and it is vital that proper security precautions be taken to insure that these files remain confidential. Administrative investigation case files, Use of Force files, and all records within shall be maintained in the Office of Professional Standards. Access to these records will be strictly limited by the Chief of Police and personnel of the Office of Professional Standards.
- B. Records pertaining to the Office of Professional Standards shall be maintained in a secure area and access is controlled by the O.P.S. Lieutenant.
- C. Attorneys working for the City of Hobbs do not have direct access to the Office of Professional

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Standards files except when specifically authorized by the Chief of Police. Viewing these files is based on a need to know basis and only when information is needed for defending a lawsuit or civil claim against the City and the Department.

1. *Purge of records maintained by the Office of Professional Standards:* O.P.S. investigative reports shall be maintained for an indefinite period of time according to records retention laws in the State of New Mexico. O.P.S. reports will only be purged upon approval from the Chief of Police and the City Attorney.
- D. An Annual Statistical Summary shall be compiled consisting of all administrative and citizen complaint investigations. The summary shall report the total number of investigations, allegations, and dispositions. Upon approval from the Chief of Police, the summary report will be made available to Departmental personnel and to the public.

**XIV. OFFICER MISCONDUCT - DEPARTMENT OBLIGATION TO REPORT.**

- A. New Mexico Department of Public Safety Training Center - 10.29.1.11; paragraph 9.0 requires any agency employing a certified officer (Telecommunications or Police) who has committed such acts as described below, to report such conduct to the Director within 30 days.

**N.M.S.A. 29-7-13.** Refusal, suspension, or revocation of certification.

1. After consultation with the employing agency, the board may refuse to issue, or may suspend or revoke a police officer's certification when the board determines that a person has:
  - (a) failed to satisfy the qualifications for certification, set forth in section 29-7-6 NMSA 1978;
  - (b) committed acts that constitute dishonesty or fraud;
  - (c) been convicted of, pled guilty to or entered a plea of no contest to:
    - (1) any felony charge
    - (2) any violation of federal or state law or a local ordinance relating to aggravated assault, theft, driving while under the influence of intoxicating liquor or drugs, controlled substances or any law or ordinance involving moral turpitude.
  - (d) knowingly made any false statement in his application for certification.
- B. The Division Captain of the involved employee will be responsible for submitting written notification to the New Mexico Department of Public Safety Training Center Director within 30 days of the final disposition of an investigation in which any of the aforementioned acts have occurred.

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**I. STATEMENT OF PURPOSE**

The use of force by a police officer is an extremely sensitive issue and requires careful study and understanding by every officer. This is especially true since the definitions of the use of force by police are based on the determination of reasonableness under the circumstances. Although the careful use of force is authorized by law, the use of unnecessary or unreasonable force is strictly prohibited and will not be tolerated.

While clear boundaries of reasonableness can be defined for certain police situations, others must be interpreted for the particular set of circumstances involved. The purpose of this section is to provide each officer with policy guidance and direction with respect to the use of force in carrying out their duties.

**II. DEFINITIONS**

- A. Use of Force - A use of force is an action that causes tissue damage or has the potential to cause tissue damage and the action cannot be recalled. It does not matter whether it hit or missed its intended target.
- B. Show of Force - An action that has no potential to cause tissue damage and it is an action that can be recalled.
- C. Deadly Force - Force that is intended or known by the person using the force to cause, or in the manner of its use or its intended use, is capable of causing death or serious bodily injury.
- D. Serious Bodily Injury - Injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of a bodily member or organ.
- E. Objective Reasonableness - The actions of an officer's use of force must be judged from the perspective of a reasonable officer when confronted with the same circumstances.
- F. Reasonable Force - Use of the minimum amount of force needed to achieve control over an incident or person.

**III. GENERAL POLICY**

- A. Reasonable force may be used by an officer in the performance of duties, when:
  - 1. Necessary to preserve the peace, to prevent the commission of an offense or to prevent suicide or self-inflicted injury.
  - 2. Making lawful arrests and searches, overcoming resistance to such arrests and searches, and preventing escapes from custody.
  - 3. In self-defense or defense of another against unlawful violence to a person or property.
  - 4. Preventing or interrupting an intrusion on or interference with the lawful possession of property.

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- B. An officer may use reasonable force to overcome resistance to the lawful performance of duties.
- C. Before the application of reasonable force, officers should identify themselves and state their purpose to the offender and others present. This identification is not necessary if the officer reasonably believes his purpose and identity are already known or conditions exist which render it unfeasible to identify.
- D. There is no specific rule fitting all cases as to how much force and means may be used, each case must be decided in the light of its own specific, articulable facts. Under no circumstances will the force used be greater than necessary and in no instance will deadly force be used except as stated in the Deadly Force section of this chapter.
- E. The Reactive Control Model (RCM) will be taught by the department's use of force instructors and will be expected to be used by officers of this department to guide them in determining the appropriate course of action when interacting with a person(s) in a situation which may require the use of force. No policy can anticipate every situation an officer may face. Use of physical force, show of force, or deployment of defensive weapons must be reasonable under the totality of the circumstances.
- F. Officers will use only the force necessary to accomplish lawful objectives. This is based upon the reasonableness of the force and totality of the circumstances as well as the subject's behavioral and criminal activity cues which should guide the officer's actions as described in the RCM. Use of force is often dynamic and ever changing so the RCM will act as a guide as it cannot cover every instance of all use of force applications. However, officers should consider whether the force is reasonable, given the totality of the circumstances, as their primary guide and the RCM as to their application of force. Officers should attempt to de-escalate a potential use of force situation when circumstances safely allow the officer to do so by employing tactical communication techniques. Some of the customary force options are listed below. However, an officer is not limited to these options in emergency circumstances.
  - 1. Defensive Techniques;
  - 2. Department issued Chemical Spray;
  - 3. Conducted Electrical Weapon
  - 4. Department issued or approved firearm and ammunition.
- G. When faced with a life or death situation, officers may use any available means for preservation of life.

**IV. REPORTING PROCEDURES - USE of FORCE INCIDENT**

- A. In any incident where force is used, officer(s) shall document the incident on the Uniform Incident Report and mark the Use of Force check box accordingly (used; shown; none). Any on-scene recordings of the incident will be submitted into evidence. The report will include a detailed description of the following:
  - 1. Event leading to the necessity for the use of force;
  - 2. Detail of any de-escalation techniques;
  - 3. The amount and type of force used;
  - 4. The nature and extent of injuries, if any, and treatment rendered; and,

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5. Identity of individuals involved and other pertinent information.

B. Each Use of Force incident will also be reported on the Use of Force supplement form. All applicable information will be indicated on the form.

C. All officers are required to complete a **Use of Force supplement form** under the following conditions:

1. Any Use of Force where there has been tissue damage or the potential of tissue damage (i.e., a swing and miss with the ASP baton).
2. When any type of force as described in subsection (5) is used against an individual by an officer acting under color of law;
3. When a firearm is discharged by an officer, except at the firing range or destroying an animal;
4. The application of arm and leg restraints (four point restraint) in a jail setting being classified as a use of force is dependent upon the degree of resistance put forth by the detainee and the actions of the employee to overcome that resistance. These incidents should be considered on a case-by-case basis. If the incident is determined not to be a use of force, it will be documented in detail in the Jail Daily Log Book. Otherwise, Use of Force reporting procedures will be followed as described herein.
5. Types of force include, but not limited to:
  - a. Joint locks
  - b. Mechanical restraints (when used for control)
  - c. Nerve pressure points
  - d. Chokes or choke holds
  - e. Take downs or throws including tackles
  - f. Striking weapons
  - g. Kicks or strikes with open or closed hands or with tools or implements of the trade (e.g., flashlights, metal clipboards, etc.)
  - h. Chemical weapons
  - i. Conducted Electrical Weapon
6. The exception to this is when the only force used was a firm grip used to escort a person and/or the use of handcuffs.
  - a. Officers who have applied handcuffs to a citizen shall maintain physical contact and control of that citizen to provide for their safety while they are handcuffed.

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7. Medical Aid to Injured Parties

- a. When a person is injured because of an officer's use of force, the officer shall notify his immediate supervisor and seek medical treatment for the injured person. This call for medical attention shall be documented in the associated reports.
  - b.
- D. Employees who become involved in a use of force incident shall contact the on-duty supervisor as soon as is safe to do so to report the use of force incident.

**V. SUPERVISOR RESPONSIBILITIES - USE of FORCE**

- A. In any incident where force is used, the on-duty supervisor will be required to conduct a preliminary review of the incident and complete the *Supervisor Use of Force Review* form. The Supervisor Use of Force review will include the following:
- 1. Photographs of any injury, or lack thereof, will be taken of the subject (*not required if the only action was a Show of Force*);
  - 2. A recorded statement will be taken from the subject (*if subject refuses or is medically unable, this must be documented. A recorded statement is not required if the only action was a Show of Force*);
  - 3. Any civilian witnesses will be documented and a recorded statement will be obtained from them, if at all possible (*not required if the only action was a Show of Force*);
  - 4. Assurance that any available on-scene recordings were logged into evidence (*required for all use of force and show of force incidents*); and
  - 5. Copies of the *Supervisor Use of Force Review* form, incident reports, photos, recorded statements, and any other attachments will be forwarded to the Lieutenants, Captain and ultimately to the Deputy Chief. The Deputy Chief will submit the completed packet to the Office of Professional Standards for tracking purposes.
- B. If the supervisor is involved in the use of force incident, another supervisor will be required to conduct the Supervisor Use of Force review. If no other supervisor is reasonably available, a senior officer may conduct the use of force review. Any reports generated by a supervisor detailing their personal actions in an incident shall be submitted for approval to their immediate supervisor.
- C. Supervisors are authorized to conduct any follow-up procedure they deem necessary to reach a conclusion regarding the validity of the Use of Force. Supervisors shall report any possible violation of the Use of Force policy to their chain of command.

**VI. REPORTING PROCEDURES - SHOW OF FORCE**

- A. In an attempt to de-escalate a potential use of force incident, officers are authorized to show force by pointing any issued defensive weapon at a subject whose behavior could result in a use of force action. This policy will be followed when an officer points any firearm at a citizen; when an



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officer points chemical spray at a citizen; when an officer displays the ASP baton by loading it toward a citizen; when an officer points a Conducted Electrical Weapon at a citizen.

- B. The pointing of any defensive weapon at a person must be reasonable under the circumstances and within Departmental training. The indiscriminate pointing of weapons at citizens without cause is strictly prohibited.
- C. In the event an officer points any of the issued defensive weapons at a citizen, the officer shall submit a Uniform Incident Report describing the incident. If there are no criminal charges associated with the show of force, the officer should assign the report as a non-criminal (NI) incident report as a "Show of Force". If there are criminal charges associated with the show of force, the report should be assigned as appropriate (CI).
- D. Anytime a defensive weapon is pointed at a citizen and no additional force is used, the primary reporting officer shall check "SHOWN" on the Use of Force box on the Uniform Incident Report form. Every officer involved in the show of force incident shall submit a narrative supplement describing their involvement in the incident and he/she will identify every person their defensive weapon was pointed toward. Any audio/video recordings of the show of force incident shall be submitted into evidence.
- E. The officer(s) who were involved in the show of force incident are not required to submit a separate Use of Force supplement form when the *only* action was the pointing of a defensive weapon. In the event officers show force then are forced to apply a level of force, the incident will be marked as a "FORCE/Used" incident on the Uniform Incident Report.
- F. Supervisors are not required to perform a Supervisor Use of Force Review for a show of force incident, unless upon review of the associated reports, there appears to be a violation of any portion of the Use of Force policy. Supervisors are authorized to conduct any follow-up procedure they deem necessary to reach a conclusion regarding the validity of the show of force. Supervisors shall report any possible violation of the Use of Force policy to their chain of command.

**VII. LESS LETHAL FORCE**

**A. Conducted Electrical Weapon**

Conducted Electrical Weapon (CEW): A device designed to incapacitate a person from a safe distance while reducing the likelihood of serious injuries or death for the officer and the suspect. The CEW is a hand-held unit that can be used in two modes – Probe Deployment and/or Drive Stun.

**1. Procedures**

**a. Authorized Users**

Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry CEW's. Officers are required to attend training for the use of the CEW at least annually.

**b. Weapon Readiness**

1. The device will be carried in an approved holster on the side of the body opposite the service handgun in order to avoid weapon confusion. Officers not assigned to uniformed patrol may utilize other department approved holsters and carry the weapon consistent with department training.
2. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
3. Only agency approved battery powered sources shall be used in the CEW.
4. No changes or modifications shall be made to the CEW or the cartridges. All repairs to the CEW or accessories shall be completed by a department authorized armorer.
5. Users are responsible for prompt reporting to supervisors of any damage to a CEW or its cartridges.
6. Prior to an officer commencing their shift, the officer will perform a spark test of the CEW as demonstrated in departmental training.

2. Use of the Conducted Electrical Weapon

The CEW in probe deployment mode provides a force option which aids officers in maintaining distance from perceived threats. The use of a CEW in either probe or drive stun mode may prevent officer and subject injuries caused by subject resistance or non-compliance.

The CEW may be used:

- a. When force is legally justified to prevent the reasonably foreseeable threat or actual attempted assault, battery, and/or injury to officers, other person and/or the subject.
- b. On a subject who is non-cooperative and resists custody and control procedures.
- c. The use of a CEW is target-specific and should result in the officer's ability to gain control of the suspect.

3. Restrictions

The following factors, where apparent to involved officers, require elevated justification due to the risks of foreseeable direct or secondary injuries:

- a. Presence of flammable liquids/fumes or explosive environments
- b. Elevated positions

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- c. Person operating machinery or a moving vehicle
  - d. Pregnant female
  - e. Swimming pool or other body of water
  - f. Intentional CEW application to sensitive areas
  - g. Frail or infirm individual
  - h. Person running (fleeing apprehension)
- 4. Deployment of the CEW
  - a. Upon discharging the CEW, the officer shall energize the subject for five seconds, as the CEW is programmed, and utilize the least number of cycles necessary to gain control of the suspect.
  - b. The subject should be secured as soon as practical while disabled by the CEW to minimize the number of deployment cycles. In determining the need for additional energy cycles, officers should be aware that an energized subject may not be able to respond to commands during or immediately following exposure.
  - c. The device may also be used in certain circumstances in a "drive stun" mode. This involves pressing the unit against an appropriate target area. It is important to note that when the device is used in this direct contact mode it is:
    - 1. Primarily a pain compliance tool.
    - 2. More likely to leave marks on the subject's skin.
- 5. Aftercare
  - a. The CEW darts may be removed from the subject after the subject is restrained following procedures outlined in training.
  - b. EMS will be called to complete a cursory check on each CEW exposure.
  - c. The following persons shall be transported to a medical facility for examination following exposure to a CEW. Any person who:
    - 1. Is hit in a sensitive area (e.g. eyes, throat, neck, groin).
    - 2. Is in a potentially susceptible population category as defined previously.
    - 3. Has been subjected to a continuous energy cycle of 15 seconds or more,

or

4. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to CEW exposure.
- d. The detention officers will monitor the suspect at 15 minute intervals for at least one hour to ensure there are no persistent affects such as vomiting, excessive burning, loss of control of breathing or any other adverse effect. If medical attention is required, the detention facility will notify the on-duty supervisor as well as the officer involved so that a supplemental report can be done detailing the medical attention received.
6. Reporting
  - a. The deploying officer shall notify his supervisor as soon as practical after using the device, and complete the appropriate use of force report.
  - b. Officers shall specifically articulate the rationale in their use of force report for any instance in which: an CEW is energized more that three times, an energy cycle longer than 15 seconds in duration is used, more than one CEW-is used against a subject in any given incident, or when a CEW is used against an individual designated as an "elevated risk factor" as described previously.
  - c. Photographs of the affected area should be taken after the darts are removed.
  - d. When the device has been used operationally, the officer shall collect the cartridge, wires, darts and AFID's as evidence.
7. Accidental Cartridge Discharge

In the event of an accidental discharge of a CEW cartridge, the officer shall promptly notify the on-duty supervisor. The supervisor will reasonably investigate the incident and shall make appropriate notifications and/or take other appropriate actions. The supervisor shall have the officer prepare a written report of the incident.

**B. OC Spray**

OC Spray (pepper spray) plays a distinct and viable role in the continuum of force options and gives the individual officer an alternative to hard empty hand techniques, CEW and the use of an impact weapon, ASP.

**I. Use of OC Spray**

- a. The OC spray may be used on a suspect who is non-cooperative and resists custody and control procedures.
- b. The OC spray may be used if a suspect has escalated to using threatening statements and begins to close distance on the officer or another person in a manner as if to batter them.
- c. The use of OC spray is target specific and should result in the officer's ability to

gain control of the suspect.

- d. The target area will consist of the face, specifically the eyes.

**2. Decontamination**

- a. Decontamination begins after the suspect has been restrained with handcuffs or by other means and the suspect's resistance has ceased.
- b. Decontamination should begin in a reasonable time frame and officer safety concerns should be taken into consideration.
- c. Expose suspect to fresh air and flush affected area with water.
- d. Call medical personnel (EMS) to perform a cursory check of the suspect, to remove any contact lenses if necessary and to continue flushing the suspect with water.
- e. Once the suspect has been transported to the city jail, have the suspect remove his clothes and shower.
- f. The detention officers will monitor the suspect at 15 minute intervals for at least one hour to ensure there are no persistent affects such as vomiting, excessive burning, loss of control of breathing or any other adverse effect. If medical attention is required, the detention facility will notify the on-duty supervisor as well as the officer involved so that a supplemental report can be done detailing the medical attention received.
- g. Under no circumstances will any creams, salves, or oils be applied to the affected area.

**3. Reporting**

- a. As with any use of force or application of force, a written report will be submitted detailing the use of the OC spray, decontamination procedures and the events leading to the use of the OC spray.

**C. Bean Bag Munitions**

These munitions provide an officer's alternative to lethal force. Bean bag munitions are designed as a less lethal munitions to be employed against individually selected targets.

**1. Use of Bean Bag Munitions**

- a. Designated personnel will be required to complete certified training in the use of bean bag munitions. Designated personnel will be limited to Patrol Services Supervisors and specialty impact munitions instructor(s). S.W.A.T. team members who have completed training may be allowed to deploy bean bag munitions during a S.W.A.T. call out.

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- b. Designated firearms will be clearly marked. They will be painted around the muzzle and butt of the firearm and will be placed separately from the units' primary firearm.
  - c. Use of the munitions will follow the Reactive Control Model. Bean bag munitions may be used in various situations, as an option to lethal force, such as armed subjects, suicidal subjects, etc.
- 2. Primary areas of concern
  - a. Capability of weapons possessed by suspect or crowd.
  - b. Ability of munitions to resolve or suppress the situation safely and quickly.
  - c. Officer(s) must have lethal force back up.
- 3. Effective Use of Bean Bag Munitions
  - a. At a distance of less than ten (10) feet munitions should not be used if possible, due to the high possibility of a fatal outcome.
  - b. At a distance of ten (10) to twenty (20) feet, attempt to avoid the head, neck, spleen, liver and kidney areas. At this distance the target area should be the subject's legs.
  - c. At a distance of twenty (20) to forty (40) feet, the target area should be center mass.
  - d. The maximum effective range of the munitions is fifty (50) feet.
  - e. If the subject's threat level increases to the point that deadly force would be justified, the officer can target any area of the subject's body, regardless of the distance.
- 4. First Aid
  - a. First aid will be given in a reasonable time frame, once officer safety has been assured.
  - b. EMS will be directed to perform a cursory inspection of the subject to determine if medical treatment for the subject is required.
  - c. Once the subject is in the custody of the jail personnel, they will monitor the subject for any medical complications. Jail personnel will observe the subject for a minimum of once every hour, for the first six hours.
- 5. Reporting
  - a. As with any other Use of Force, a written report will be submitted detailing the incident and First Aid procedures taken. Officers should include number of

munitions used, range to suspect, point of aim, point of impact, suspect's reaction, and observed injuries.

- b. In the event impact munitions are deployed a detective will be called to process the scene and the Division Commander will be notified.

**D. Other**

Under emergency conditions, an officer can use whatever weapons are available.

**VIII. DISCHARGE OF FIREARMS**

**A. Officers may discharge a firearm under the following circumstances:**

- 1. To safely destroy an animal that represents a threat to public safety; as a humanitarian measure where the animal is seriously injured and other alternatives have been exhausted
- 2. During range practice or competitive sporting events
- 3. For ballistics and scientific testing
- 4. In defense of a life

**B. Firing a weapon should be for the intent of rendering the person at whom the weapon is discharged incapable of continuing the activity prompting the officer to shoot.**

**C. Warning shots are normally prohibited, however may be used if doing so would save the officer or another from death or great bodily harm.**

**D. Firing a weapon at or from a moving vehicle should not be considered except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force.**

Firing at a moving vehicle with the intent of rendering it incapable of being operated poses a formidable danger to innocent parties. The possibility of ricochet is greatly increased when the target is a car body or a spinning tire. Utmost caution must be exercised when considering such action.

**E. Firing at a fleeing person will not be considered justified unless the officer reasonably believes that the person he is considering shooting poses an imminent threat to human life.**

**F. When an officer discharges a firearm accidentally or in the line of duty, except at firearms qualifications, his immediate supervisor will be notified as soon as possible, but never later than the conclusion of his tour-of-duty.**

**G. When a duty firearm is discharged, on or off-duty, the officer shall file a written report of the incident through established channels to the Chief of Police. If an officer is unable to write the report, the duty supervisor will ensure the necessary report is properly prepared and forwarded.**

**H. Division Captains shall review reports of discharge of firearms with the assistance of the Range Master in charge of firearms instruction. The Division Captain will investigate the facts and will**

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submit a report of his findings and recommendations. A copy of the report will be forwarded to the Range Master in charge of firearms instruction.

**IX. DEADLY FORCE**

**A. Authorized Use of Deadly Force**

1. Deadly force may be used only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious bodily injury.

2. An officer may use deadly force:

When the suspect is intent on immediately endangering human life or immediately inflicting serious bodily injury unless apprehended without delay. The officer must reasonably believe that the suspect is armed or has the means to inflict death or serious bodily injury.

3. Prohibited uses of deadly force:

- a. Officers shall not unreasonably or unnecessarily endanger themselves or the public in applying deadly force pursuant to this policy or state law.
- b. An officer shall not rely solely on third party reports as a basis for use of Deadly Force, without firsthand knowledge of an alleged offense.
- c. An officer shall not use deadly force in situations that would not be in accordance with New Mexico State Statutes.
- d. In an attempt to apprehend fleeing felons or escapees whom are not placing the officer or another person in immediate danger of death or imminent serious bodily injury.

4. All officers shall be provided with and be familiar with all provisions of the New Mexico State Statutes and this directive governing the legal use of Deadly Force.

**X. ADMINISTRATIVE DUTY**

A. Immediately following an officer's involvement in an incident involving serious injury, death, or the discharge of a weapon other than while training, the officer will be automatically placed on administrative duty pending a review by the Chief of Police on the next normal work day. Unless the duty status is changed to a suspension status by the Chief of Police, the officer shall remain in an administrative duty status until such time as the matter is resolved legally and administratively.

B. Assignment to administrative duty is non-disciplinary with no loss of pay or benefits. This duty is designed to:

- 1. address the personal and emotional needs of the officer involved in the use of deadly force and,



2. insure the community that the facts surrounding the case are fully and professionally investigated.
- C. An officer placed on administrative duty will be assigned to office duty in civilian clothes.
- D. The officer may be placed on administrative leave instead of administrative duty at the discretion of the Chief of Police. Assignment to administrative leave is non-disciplinary, with no loss of pay or benefits.
- E. An officer on administrative leave shall insure his/her availability to investigators until the investigation has been concluded.
- F. Officers on administrative duty or leave are authorized to carry an approved firearm, unless otherwise directed by the Chief of Police. Officers shall not work off-duty police related jobs and should not enforce laws and make arrests except in emergency situations.
- G. An officer whose action results in a deadly force incident will be required to counsel with the Department appointed counselor. The counselor must make written notification that the officer is fit for duty before that officer returns to duty.
- H. The Department will make available and reserve the right to require counseling for officers who had involvement in a deadly force incident.

#### **XI. INCIDENTS OF FORCE REVIEW**

- A. If a use of force or show of force reasonably indicates a possible violation of HPD policy or other inappropriate conduct, the immediate supervisor or any other supervisor will refer the matter directly to their chain of command.
- B. Referrals to the Office of Professional Standards will be automatic and take place immediately anytime there is a firearms discharge (except at the firing range or in the event of putting down an animal.).
- C. The Office of Professional Standards will be responsible for ensuring that all use of force data from all reports are regularly and accurately compiled, analyzed and reviewed.
- D. The Administrative Staff will:
  1. Analyze use of force data on a quarterly, cumulative basis to detect trends;
  2. Have compiled in writing and review use of force incident by officer and type of force used and,
  3. Review this data for the purpose of identifying and acting upon their implications for policy and training designed to ensure that officers are using only appropriate types and amounts of force.

#### **XII. TRAINING**

- A. In order to provide members of this department with current information, the Defensive Tactics

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Coordinator will schedule periodic training sessions which enable officers to learn and exercise acceptable methods of defensive tactics. Officers may use defensive tactics that they have been trained in and are qualified to use. Annual training will be conducted to instruct officers in the Use of Force policy. This instruction will be documented. Defensive tactics training and Use of Force training will include an element of tactical communications as a de-escalation technique.

- B. Copies of this policy will be issued to each officer, before being authorized to carry a weapon, and will be updated as needed. This issuance and instruction will be documented.

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## CHAPTER 2

### SECTION 22 – OFFICER INVOLVED FATAL INCIDENTS

#### PAGE 1

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#### I. STATEMENT OF PURPOSE

Investigations of fatal incidents involving police employees often place extraordinary demands upon the individuals and agencies involved. These cases tend to attract considerable interest from segments of the public and from the news media. The public's right to know what occurred may require balancing with investigative necessity, rights of privacy, or rights to a fair trial. Doubts may be expressed by some about the propriety of police agencies conducting investigations of fatalities which involved their own officers as actors or victims.

The individuals and agencies involved in such fatal incidents, as well as those involved in the subsequent investigations, must realize that each incident has potential social, civil, administrative, and criminal consequences. Incident investigators and agency managers must understand the legal right, obligations, and authority of the agencies and individuals involved. They must specifically recognize and reconcile police officers' constitutional rights against their rights and obligations resulting from the employer/agency relationship.

Confusion and even conflict can occur among individuals and agencies based upon their different interests, duties, perspectives, authority, training, and resources. Unless resolved in advance, questions such as who conducts the investigation, what type of investigation should be performed, and who can be present when a involved officer is interviewed, can delay and compromise investigations.

Because these demands and complications exist, this Protocol was adopted from the Contra Costa County Cal. DA's office for use in Lea County. The goal is to help assure that such cases are thoroughly and fairly investigated.

#### II. DEFINITIONS

##### A. Officer-Involved Fatal Incidents/Incidents

Incidents occurring in Lea County involving two or more people, in which a police agency employee is involved as an Actor, Victim or custodial officer, where a "Fatal Injury" occurs. Such "Incidents" include but are not limited to the following:

1. Intentional and accidental shootings, including police tactical incidents involving specialized response teams.
2. Intentional and accidental use of any other dangerous or deadly weapons.
3. Assaults upon police officers; assaults on other police employees who are on duty or are acting for a law enforcement purpose.
4. Attempts by police employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
5. Physical altercations, mutual combat, and domestic violence in which the police employee is acting in a private citizen capacity.
6. Any fatal injury in police custody, but excluding fatal injuries of prisoners which occur while the inmate is under physician's treatment for a disease or other natural condition which has been diagnosed prior to death and which does not involve custodial trauma, custodial suicide or custodial ingestion of toxic substance.

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7. Any fatal injury to a person who is a passenger of a police officer (such as ride-alongs, emergency transports, etc.)
8. Vehicular collisions, and specifically
  - a. including any vehicle fatality which occurs:
    1. after, although not necessarily as a proximate cause of, police gunfire directed at the suspect or the suspect vehicle
    2. in connection with use of vehicle(s) by police as an "enforcement intervention" technique intended to apprehend a suspect. ("Enforcement intervention" includes vehicle ramming, roadblocks, and forcing a vehicle to alter its course by cutting in front of it or by contact.)
  - b. excluding any vehicle fatality which involves:
    1. off-duty non-sworn police employees who are not at the time of the Incident acting for an actual, apparent or purported law enforcement purpose;
    2. solo vehicular collisions in which the only injury is suffered by a police employee who was the driver and sole occupant of a vehicle which was not involved in a collision with any other occupied vehicle;
    3. police pursuits wherein the suspect vehicle which is being pursued by police vehicle(s) collides with another vehicle, a pedestrian or an object, where that collision did not result from collision contact between the suspect vehicle and a police vehicle or from "enforcement intervention".

**B. Police Employee**

This Protocol applies to employees and to certain other people affiliated with the law enforcement agencies which are members of this Protocol agreement, as follows:

1. Full-time, part-time, and hourly sworn officers, whether on-duty or off-duty, and whether acting for a law enforcement or a private purpose at the time of the Incident;
2. Full-time unsworn employees who are on-duty at the time of the Incident, or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident;
3. Part-time unsworn employees: same as # 2 above;
4. Reserve police officers who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident;
5. Temporary employees and volunteers whether paid or unpaid, who are on-duty or who are acting actually, apparently or purportedly for a law enforcement purpose at the time of the Incident. This category includes Informants when they are working under the direct control and supervision of a police officer.

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**C. Actor**

1. A person whose act is a "proximate cause" of a fatal injury to another person; or
2. A person who intends that his act be a "proximate cause" of serious bodily injury or death to another person who is actually killed by another.

**D. Victim**

The person who is injured by the act of the Actor, whether or not intentionally. When used in this Protocol, this word does not imply existence of criminality; it is used simply to designate the person who is physically injured.

**E. Proximate Cause**

A cause which, in a natural and continuous sequence, produces the fatal injury, without which cause the injury would not have occurred. Reasonable foreseeability of the fatal injury is not a factor relevant to this definition.

**F. Fatal Injury**

Death or injury which is so severe that death is likely to result.

**G. Venue Agency**

The agency, or agencies, within whose geographical jurisdiction the Incident occurs.

**H. Employer Agency**

The agency by whom the involved police employee is employed or with which he is affiliated. (In many cases the Venue Agency will also be the Employer Agency.)

**I. Criminal Investigators**

Those investigators assigned by the Venue Agency(cies), the Employer Agency(cies), and the District Attorney's Office to conduct the criminal investigation of the Incident.

**J. Administrative Investigators**

Those investigators assigned by the Employer Agency to conduct the Administrative Investigation of the Incident.

**K. Member Agencies**

The law enforcement agencies in Lea County which are members of this Protocol agreement.

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**III. INVOCATION OF THIS PROTOCOL**

**A. Automatic and Immediate**

Upon the occurrence of an Officer-Involved Fatal Incident, this Protocol is automatically effective immediately upon the occurrence, unless Venue Agency elects not to invoke this protocol.

**B. Optional**

1. Each Member Agency of this agreement, when in the capacity of a Venue Agency or Employer Agency, may itself invoke this Protocol upon the occurrence of any sensitive or critical event involving a police employee which may have possible criminal liability attached. Upon this unilateral invocation, the matter will be investigated under the provisions of this Protocol.

**a. Examples:**

1. a fatality which is not covered by this Protocol
2. an officer-involved incident where the injuries are not fatal
3. any other sensitive or critical event involving a police employee where criminal conduct is a possibility to be investigated.

**b. The District Attorney has discretion to decline participation in optional invocations.**

2. In lieu of invoking this Protocol, the involved agency(cies) may, of course, investigate the matter by itself or may seek aid from other agencies.

**IV. INVESTIGATIVE AGENCIES, FORMATS AND RESPONSIBILITIES**

To properly recognize and accommodate the various interests and the various rules of law which may be involved in any Incident, investigations of these matters must be performed under two separate investigative formats: The Criminal Investigation; and The Administrative Investigation.

**A. The Criminal Investigation**

1. The Criminal Investigation has investigative priority over the Administrative Investigation and it begins immediately after an Incident has occurred.
2. It is performed by criminal investigators from the Venue Agency(cies), the Employer Agency(cies), and the District Attorney's Office formed into a Task Force for each Incident. The participating agencies are co-equal within the investigation, but the agency within whose geographical jurisdiction the Incident occurs has the ultimate authority to decide irreconcilable investigative issues.
3. Its goal is to develop all available relevant information about the Incident. This information will be used in two ways:
  - a. To determine presence or absence of criminal liability on the part of all those

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involved in the Incident. Specifically:

1. To determine whether the nature and the quality of the conduct involved is prohibited by statutes which provide for criminal penalties upon conviction; and
2. If criminal conduct does exist, determine the identity of the person(s) responsible for that conduct; and
3. If criminal conduct does exist, determine the degree of the crime(s); the existence of any factual or legal defenses to that crime; and to determine the presence or absence of any factors which would mitigate or aggravate punishment for that crime.

- a. To incidentally provide factual information to the Employer Agency's management for its internal use.

(While the Criminal Investigators do not direct their investigative attention to Administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to Agency Management for its internal use and those results are fully available for that purpose.)

4. The investigation is required to follow the rules of law which apply to all criminal proceedings including constitutional, statutory and case law regarding rights which are covered by the United States Constitution's 4th, 5th, 6th, and 14th Amendments.
5. It is performed in a manner that provides both the appearance and the reality of a thorough, fair, complete and professional investigation which is free of conflicts of interest.
6. Within the Task Force, the Criminal Investigators will be divided into one or more teams (the number depending upon the complexity of the Incident and upon the number of people to be interviewed). Each team will consist of one criminal investigator from the Venue Agency(cies), the Employer Agency(cies), and from the District Attorney's Office. The Task Force investigation will be led by a primary team which is composed of the primary investigator from each of the Task Force agencies.
7. Venue Determination
  - a. When an Incident occurs in part of two or more jurisdictions, each of those jurisdictions is a Venue Agency.
  - b. When an Incident occurs on the boundary of two jurisdictions, or at a location where the relevant boundary is not readily ascertainable or is in dispute the Venue Agency(cies) shall be:
    1. the Employer Agency if the Actor is employed by either boundary agency
    2. both boundary agencies if Actors are employed by both
    3. the agency which has the greater interest in the case by virtue of having the

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predominant police involvement in the Incident or by virtue of having had the majority of acts leading up to the fatality occur within its jurisdiction

- c. For custodial deaths, the agency having custody of the person at the time his distress was first discovered is a Venue Agency. Also a Venue Agency is the one within whose jurisdiction any fatal stroke was inflicted.
    - 1. If the death was caused by conduct which was apparently criminal, the lead Venue Agency is one within whose geographical jurisdiction the act occurred.
    - 2. If there is apparently no criminal conduct involved in the cause of death, the lead Venue Agency is the one having custody of the victim when distress was first discovered.
  - d. If an on duty police officer (sworn) is involved as the Actor in an Incident which occurs within the jurisdiction of another Member Agency, and if that officer was acting in the performance of his duty at the time of the Incident, the/a Venue Agency may elect to relinquish its role in the Criminal Investigation to the other Task Force agencies.
8. When a Venue or Employer Agency lacks sufficient resources, or when it believes it cannot properly investigate an Incident for another reason, it has two options:
- a. Obtain criminal investigative assistance from other Member Agency(cies). Borrowed officers would then be assigned to the Criminal Investigation Task Force as members of the requesting agency.
  - b. Relinquish criminal investigative responsibility to another Member Agency.
9. Vehicle collision Incidents
- a. Accidental collision fatalities shall be investigated by Task Force Criminal Investigators. The accident investigation specialists have the primary responsibility for documentation, collection and preservation of physical evidence.
  - b. If the fatality results from a collision that was not accidental (e.g. use of "enforcement intervention" techniques), OR if vehicle movement was merely incidental to a fatality which was caused by non-vehicular means, the accident investigation specialists may be used by the Task Force for that phase of the investigation, but their role will be limited to investigation of physical movement of the vehicle(s) and to collision reconstruction.
10. Scene security
- Each Agency has initial responsibility for immediately securing crime scene(s) within its territorial jurisdiction. This responsibility includes preservation of the integrity of the scene(s) and its/their contents, access control, and the identification and sequestration of witnesses. Responsibility may be changed by mutual agreement as the investigation progresses.



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11. Responsibility for physical evidence collection, preservation and analysis

- a. The Venue Agency has the responsibility for documentation of the scene(s) and for the collection, preservation and analysis of physical evidence except in some vehicular fatalities. The task force also has the option to ask the Department of Public Safety Laboratory for assistance if deemed necessary.
- b. In unusual cases the Task Force agencies may all agree that the Laboratory need not be called to process the scene(s) and to collect evidence. The Laboratory shall be used if any Task Force agency desires.
- c. If an employee of the Laboratory is involved in an Incident as an Actor or as a Victim, the Laboratory will be disqualified from participation in the investigation of the Incident. These alternatives are available:  
  
Trained and experienced evidence collection officers from Member Agencies, who will have full responsibility for evidence work.
- d. The Venue or Employer Agency(cies) may be requested by the Laboratory to furnish officers to assist with evidence and scene documentation, collection and preservation. Officers so involved will work under the direction of the Laboratory's criminalists.
- e. Prior to final relinquishment of the scene, the Task Force investigators and the criminalists will provide the Administrative Investigators an opportunity to assess the need for further evidence processing.

12. Notifications

Upon identifying an occurrence as an Officer-Involved Fatal Incident, the Venue Agency(cies) shall make the following notifications as promptly as possible to:

- a. Intra-departmental officers, as required by that agency's procedures.
- b. The Employer Agency, if applicable and if not yet aware.
- c. The District Attorney's on call attorney (directly by telephone, or through Dispatch).
- d. The Venue agency's crime scene technician or the NMDPS crime lab.
- e. The Medical Examiner, upon confirmation of a fatality. This is a required notification. (Body removal can be delayed as necessary for evidence processing.)

13. Scene Procedures (also see First Arriving Supervisor's Check List, Attachment A, in the back of this Protocol))

- a. Emergency life saving measures have the first priority.
- b. If a person is transported to a hospital with "fatal injuries" (see paragraph # 29 for definition), an officer should accompany that injured person in the same vehicle in order to:

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1. Locate, preserve, safeguard and maintain the chain on physical evidence.
  2. Obtain a dying declaration; a spontaneous statement; a contemporaneous statement; a statement of then-existing or previous mental or physical state.
  3. Maintain custody of the person if he has been arrested.
  4. Provide information to medical personnel about the Incident as relevant to treatment, and obtain information from medical personnel relevant to the investigation.
  5. Identify relevant people, including witnesses and medical personnel.
  6. Be available for contacts with the victim's family, if appropriate.
- c. The scene(s) must be secured immediately with a perimeter established for each a sufficient distance away to safeguard evidence. In some circumstances an inner and an outer perimeter are appropriate.
1. Access to the scene(s) must be limited to only those officials who must enter for an investigative purpose.
  2. A written log will be established as quickly as possible to identify all persons entering the scene(s), the time of their entry and exit, and the reason for entry.
  3. When not needed for life savings efforts, entry by fire and ambulance personnel should be restricted to the absolute minimum necessary to perform the needed duties.
  4. No items shall be moved inside the scene(s) or removed from a scene without approval of the Task Force and the Criminalistics Laboratory unless absolutely necessary for public or officer safety or for preservation of evidence. If removal without approval is necessary, the removal must be witnessed and logged. The log shall state the identity of the person removing the described object, the reason for removal, a witness to the removal, and the time of removal. The item should be photographed prior to removal.
- d. If any type of weapon or instrument was involved in the fatal incident, the supervisor at the scene will promptly see to the security and/or collection of such items, as follows:
1. If the area is secure, loose weapons or instruments shall be left in place and undisturbed.
  2. If the area is not secure, the supervising officer at the scene shall decide whether the items can be safely left in place or whether prompt removal is necessary. If such items must be moved or removed for protection, they should be photographed in place prior to removal if possible.
  3. If an involved officer still has personal possession of a weapon he used in

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the Incident, the supervising officer at the scene shall promptly but discretely (i.e. in private, out of view of the public and other officers if possible) obtain possession of the weapon. Sidearms must not be removed from their holsters; obtain the entire gunbelt if necessary to avoid removing the weapon from its holster. Sidearms should be replaced by the supervisor as quickly as possible if the officer so wishes, unless reason dictates otherwise.

4. In shooting cases, the supervising officer will check the firearms of all officers who were present at the time of the Incident to ensure that all discharged firearms are identified and collected, and to specifically document those weapons which were not fired.
5. The supervising officer collecting any weapon or instrument will make note of its readily visible general description and condition, the appearance and the location of any trace evidence adhering, to the extent these observations can be made without removing a firearm from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising officer, and the identity of the person or location from which the weapon or instrument was received shall also be recorded.
  - a. In firearms cases, the supervising officer will also make note of whether the firearm is cocked, has its safety "on" or "off", has its hammer back, any apparent jamming of either fired or unfired ammunition; the location and position of the weapon's magazine (e.g. fully or partially inserted, completely separate from the firearm, missing, etc.), to the extent possible without removal of the weapon from its holster.
    1. If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.
    2. If the firearm is cocked (or if a semi-automatic pistol cannot be determined to be cocked or not), the safety may be put "on" by the supervising officer, who must make note of that fact. If the firearm's hammer is back, it may be lowered but note must be made of that fact.
  - b. Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number if readily visible without removing the weapon from its holster or otherwise compromising physical evidence and shall otherwise maintain the chain of evidence.
  - c. Otherwise, weapons and instruments will not be disturbed in any way. They shall not be handled by anyone other than the supervising officer and that officer shall handle them minimally to preserve the exact state of the weapon or instrument when received.
6. The collected weapons or instruments shall be transferred to the crime

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scene technician upon their arrival.

7. If the supervising officer at the scene was himself an Actor or Victim in the Incident, the responsibility for security and/or collection of weapons and instruments shall rest with an uninvolved supervisor or the next-in-line uninvolved officer at the scene.
  8. Twelve rounds of the same type(s) of ammunition fired will be collected by the criminal investigators from each shooting officer (or from another appropriate source if the officer has insufficient similar rounds remaining).
  9. Firearms which do not need to be retained in evidence, as determined by the criminal investigators, will be returned to a designated representative of the Employer Agency promptly after the Criminalistics Laboratory has inspected and tested them. The Laboratory appreciates that prompt return of officers' handguns is important, and will return them as soon as possible.
- e. Any other physical evidence at the scene which is in danger of being contaminated, destroyed or removed must be promptly and effectively observed, recorded and then protected for subsequent collection. Evidence adhering to live participants (such as blood stains), footprints and fingerprints, volatile substances, various types of trace evidence, and firearms discharge evidence, are examples.
- f. Transporting and Sequestering of Involved Officers
1. Officers who were present at the scene at the time of the Incident, whether Actors or Witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sent to their own police station unless other suitable and agreeable arrangements are made for them. Officer(s) not involved in the Incident shall be assigned to accompany these officers, either in a group or individually. Actors should be driven to the station by an uninvolved officer.
  2. If circumstances prohibit removal of all witnessing and involved officers from the scene at once, those officers who were Actors should be relieved first.
  3. An uninvolved officer shall remain with the involved officers, either in a group or individually, until they can be interviewed. The sequestering officers are present to ensure the officers have privacy, that their needs are accommodated, and to ensure the integrity of each officer's later statements to investigators. They should not be present during confidential (privileged) conversations.
  4. Involved officers are not to discuss the case among themselves, with sequestering officers, or with others except their representatives.
  5. While awaiting interviews, involved officers are encouraged to relax and to carefully reflect upon what occurred. They may wish to make notes for their future use, especially for later interviews.

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- g. Custodial Death scenes

When an Incident occurs in a jail facility or other location where inmates may have witnessed something, inmates should be identified and separated if possible pending interviews by criminal investigators.

**14. Selection of Primary Investigators**

Selection of the primary investigator(s) by the Task Force Agencies is of great importance. Generally, the best available investigator(s) should receive the assignment. These qualifications are important.

- a. Experience in homicide investigations (or vehicular collisions, if applicable). Investigation experience in other crimes against persons is helpful.
- b. Ability to effectively interview people of various backgrounds.
- c. Good working knowledge of physical evidence collection and preservation techniques, and an appreciation of the abilities and limitations of scientific evidence.
- d. Good knowledge of police operational procedures and the criminal justice system.
- e. Excellent report writing and communication skills.
- f. Good organizational and supervisory skills.
- g. Respected professionally by those with whom he/she works for being competent, thorough, objective, fair, and honest.

**15. Interviewing Police Employees**

- a. Peace Officer's Employer-Employee Relations

- (1) This statute has limited application to many interviews conducted by Task Force interview teams:

- (a) **\*\* The granting of administrative "use" immunity or administrative "transactional immunity" to an interviewee is a serious and often complicated step that must be considered carefully. Early in the investigation, sufficient facts about the employee's conduct may not yet be available to allow an informed and correct decision to be made. Further investigation may reveal that any type of contemplated immunity is not warranted. The desired immunized statement may not actually be necessary or independent alternative means may exist to obtain the information. Authority within the Employer Agency to grant administrative immunity may need to be defined. When immunity is given, it must be carefully and narrowly defined in writing or on audio tape and agreed to by all effected parties.**
    - b. If and when the interview becomes a custodial interrogation, the Miranda cases are applicable.
    - c. To insure proof of voluntariness in a non-custodial interview, the Task Force

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interviewers may wish to advise certain interviewees of the following:

1. The interviewee is not in custody and is free to leave at any time.
  2. The interviewee is not obligated to answer any questions asked by the investigators and no punitive action will be taken against the interviewee if he refuses to be interviewed by the Task Force Team.
  - d. Police employees have the same rights and privileges regarding Task Force interviews that any other citizen would have, including the right to consult with a representative prior to interview and the right to have the representative present during the interview.
    1. The representative should be allowed to consult about the facts of the incident privately with only one police employee at a time.
16. Intoxicant Testing
- a. Criminal Investigation

Police employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When Task Force investigators determine that a police employee's state of sobriety is relevant to the investigation, they have these options:

    1. Obtain the blood and/or urine sample by valid consent.
    2. Obtain the blood and/or urine sample incidental to valid arrest.
    3. Obtain a search warrant.
    4. When applicable, utilize Vehicle Code section 66-8-107 for vehicular driving incidents.
    5. If an arrestee refuses to comply with the request for a sample, attempts will be made to obtain the sample in accordance with case law.
  - b. Administrative Investigation
    1. Intoxicant test results obtained by Task Force Investigators are available to the Administrative Investigators.
    2. In the event the Task Force does not obtain samples for intoxicant testing, the Employer Agency may then seek to obtain samples. The Task Force investigators have the first opportunity however.
      - a. Authority for the Employer Agency to obtain samples includes (1) valid consent, and (2) ordering the employee to provide the samples based on the employment relationship.
      - b. Some departments have blanket orders regarding employee intoxicant testing while other departments make decisions on a case-by-case basis.

c. Miscellaneous

1. Blood is the best fluid for alcohol testing, while urine is best for drug screening. Optimally, samples of both should be obtained for most complete results.
2. Samples should be collected promptly after the Incident for most meaningful results.
3. A police employee may volunteer to provide sample(s) for intoxicant testing even if Task Force and Administrative Investigators haven't obtained samples. Similarly, a person from whom Task Force or Administrative Investigators have obtained samples may request that another sample be taken for independent testing. The taking of this sample and subsequent testing will not be at the expense of the Task Force or Employer. Such a request will be promptly honored.

17. Autopsy

- a. At least one member of the Task Force's primary investigative team will attend the autopsy. When possible, the investigator from the District Attorney's Office should attend the autopsy. Investigators representing other Task Force agencies may also attend.
- b. The autopsy pathologist will receive a complete briefing prior to the post mortem examination. This briefing, which includes all information known to that time which may be relevant to the cause, manner and means of death shall be attended by at least one member of the Task Force's primary team, and when possible the DA's investigator.
- c. For autopsies conducted in Lea County, and for autopsies conducted in other Counties where the pathologist agrees, the Medical Examiner's Office has the responsibility for documenting and collecting physical evidence. In vehicular collision deaths the Venue Agency's Accident Investigator Specialist or other accident investigation specialists have the responsibility with assistance if appropriate from the Laboratory
- d. Although the Medical Examiner has authority to determine who attends an autopsy, it is usually advisable to allow attendance by a licensed medical doctor or licensed private investigator, or by a recognized professional criminalist, who has been retained by representatives of the decedent.

18. The District Attorney's Office

- a. The District Attorney's Office has the following roles in Incident Investigations:
  1. Participate co-equally with the Venue and Employer Agency(cies) and (when applicable) in the Task Force performing the criminal investigation.
  2. Assist and advise the Task Force on various criminal law issues which may arise, such as Miranda, voluntariness, search and seizure, probable cause to arrest, detentions and releases, elements of crimes, immunity, legal defenses.

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**SECTION 22 -- OFFICER INVOLVED FATAL INCIDENTS**

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3. Upon completion of the Criminal Investigation, analyze the facts of the Incident as well as the relevant law to determine if criminal laws were broken. If so, prosecute as appropriate.
  - b. The District Attorney has his own separate investigative authority. When deemed appropriate by the District Attorney (or his designated alternate in his absence), the District Attorney's Office may perform an independent investigation separate from the Task Force.
19. Report writing
- a. All Criminal Investigators will write reports documenting their participation in the investigation.
  - b. The Investigators within each Task Force team will allocate and divide among themselves the responsibility for documenting interviews and observations.
  - c. The lead Venue Agency has the ultimate responsibility for report writing and for collecting reports from other agencies.
  - d. Prompt completion and distribution of reports is essential. All involved agencies and investigators will strive for report completion and distribution within 30 days after the Incident.

**B. Administrative Investigation**

1. In addition to its concern about possible criminal law violations by civilians and its own employees who are involved in an Incident (which concerns are addressed by the Criminal Investigation), the Employer Agency also has need for information about the Incident for non-criminal purposes:
  - a. Internal Affairs:  
  
Determination of whether or not its employees violated departmental regulations.
  - b. Agency Improvement:  
  
Determination of the adequacy of its policies, procedures, programs, training, equipment, personnel programs and supervision.
  - c. Government and Community Relations:  
  
Informing itself of the Incident's details so it may adequately inform its parent governmental body, and so it may be responsive to comments about the Incident from the public and the media.
  - d. Claims and Litigation:  
  
Preparing for administrative claims and/or civil litigation that may be initiated by or against the agency.



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2. The Employer Agency may use an Administrative Investigation and/or a more specific "civil litigation investigation" format to investigate these concerns as it considers appropriate. While both the Criminal Investigation and the Administrative Investigation are important and should be aggressively pursued, investigative conflicts between the two formats shall be resolved by allowing the Criminal Investigation to have investigative priority. It is intended that this prioritization will preclude competition between the two formats for access to witnesses, physical evidence, and the involved parties, and that it will prevent the Criminal Investigation from being compromised by an untimely exercise of the Employer Agency's administrative rights.
3. The initiation of Administrative Investigations and the extent of those investigations is, of course, solely the responsibility of the Employer Agency.
4. Interview statements, physical evidence, toxicology test results and investigative leads which are obtained by Administrative Investigators by ordering police employees to cooperate shall not be revealed to Criminal Investigators except when the District Attorney feels it is necessary. He will do this only after careful consideration about the consequences of such a decision. Other results of the Administrative Investigation may or may not be privileged from disclosure to others, including the Task Force investigators, depending upon applicable law.
5. The Employer Agency should immediately assign at least one Administrative Investigator upon being notified of the Incident. This officer can function as a liaison between the Employer and the Task Force, can gather information for the Agency, and can be the Task Force's contact for personnel matters, even if no actual investigation is then warranted by that officer.
6. The Task Force will promptly and periodically brief the Administrative Investigator(s) of the criminal investigation's progress. The Administrative Investigators will have access to briefings, the scene(s), physical evidence, and interviewees' statements.
7. Administrative Investigators are not bound by some of the same investigative restrictions that apply to Criminal Investigators.

**V. NEWS MEDIA RELATIONS**

- A. The interests of the public's right to know what occurred must be balanced with the requirements of the investigation and with the rights of involved individuals.
- B. As in all other cases, care must be taken to insure that intentionally misleading, erroneous or false statements are not made.
- C. Agencies and individuals who are not well informed and not intimately involved with the investigation's results and progress should not make statements to the press.
- D. While any agency cannot be prohibited from making statements to the news media about an Incident, these guidelines are established:
  1. The lead Venue Agency has the responsibility for making press releases about the Incident and its investigation.
    - a. Officers in close contact with the Task Force are in the best position to comment about the facts of the case and the progress of the investigation.

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**2. The Employer Agency.**

If the Employer Agency is not also the Venue Agency, fewer problems will arise, especially at the early stages of the investigation, if the Employer Agency limits its comments to the following areas:

- a. The employer-employee relationship.
- b. Factual material revealed by the Employer Agency's own Administrative Investigation of the Incident.
- c. Information which has been cleared for release by the Task Force.

**3. The New Mexico Department of Public Safety Crime Laboratory**

Information released will usually be confined to general laboratory procedures, scientific facts and principles, and testing procedures. Specific results of searching, testing and analysis will generally not be released without clearance from an investigator from the Task Force's primary team.

**4. The Medical Examiner's Office**

Release of information will generally be limited to the following:

- a. Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information.
- b. The identity of those present at the autopsy, including the identity and affiliation of the pathologist(s).
- c. The general nature of further medical testing or medical investigation to be done.
- d. Information obtained by Medical Examiner's Investigators directly from medical sources, the deceased's family members, or witnesses. Information obtained from the Incident Investigators or from the involved agencies will not be released by the Medical Examiner's Office without prior clearance from those agencies.
- e. The role of the Medical Examiner's Office in the investigation of death, in general terms.

E. If Task Force Investigators determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.

F. Interruptions to the Investigators will be minimized if the agencies assign particular individuals to be the sole designated contacts with the news media.

**VI. ACCESS TO REPORTS AND EVIDENCE**

A. Material which is created or collected by, or at the request or direction of, Task Force Criminal Investigators (including the NMDPS Crime Lab) will be made available in a timely manner to those agencies which have an interest in the investigation, including the Administrative Investigators.

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**B. The material will include:**

1. Reports, written and collected.
2. Access to physical evidence.
3. Photograph, diagrams, and video tapes.
4. Audio tape recordings.

**C. When the Task Force and/or District Attorney's Office concludes that the physical evidence collected by the Criminal Investigators is no longer needed for criminal law purposes, the Employer Agency shall be notified of that decision so it can assume responsibility for preservation of such evidence if it desires. It is then the responsibility of the employer agency to notify by letter, the officer(s) involved so that the officer(s) know the disposition of the evidence.**

**CHAPTER 2**  
**SECTION 23 – BENEFITS**  
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**I. STATEMENT OF PURPOSE**

It is the intent of the Department that each employee receive all benefits available through his employment with the City of Hobbs. All benefits listed herein are available through, and governed by, the City of Hobbs Personnel Policies.

**II. GENERAL BENEFITS OFFERED**

The following general benefits are available to all full-time Department employees. Specific information regarding these can be found in the City of Hobbs Personnel Manual.

- A. Paid Time Off
- B. PTO Donation Bank
- C. Group Insurance Plan;
- D. Supplemental Life Insurance;
- E. Retirement (P.E.R.A.);
- F. Pre-tax premium (Medical and Supplemental Life Insurance only);
- G. Worker's Compensation;
- H. Accident Prevention Incentive Program;
- I. Preventative testing/vaccines (TB and Hepatitis B) for commissioned personnel, detention personnel and evidence technicians.

**III. MILITARY LEAVE**

In accordance with the City of Hobbs Personnel Manual, those regular and probationary employees who are also non-active duty status military personnel, will be granted military leave with pay, not to exceed fifteen (15) calendar days annually. Annually means from October 1 to September 30 of each year. This leave will be granted only upon receipt of training orders from the individual's military command. Training orders are not required for weekend drills. Temporary employees will not be eligible for this type of paid leave.

- A. If the training is to be held on the employee's regularly scheduled work day(s), the employee must use military leave, PTO, or request a leave of absence without pay.
- B. If the training is to be held on the employee's regularly scheduled day(s) off, this will have no effect on the department and no leave will be necessary.
- C. The same rules will apply to any travel days which are needed in conjunction with the military training.
- D. Those employees utilizing leave for this purpose should submit leave requests at least 30 days in advance.

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**SECTION 23 -- BENEFITS**  
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**IV. LIABILITY PROTECTION PROGRAM**

The Department, through the City of Hobbs, provides each member with liability insurance protection for actions or omissions directly related to their duties as an employee, including acts or omissions leading to personal injury, death, or property destruction that, in turn, could lead to legal civil action against them. Additional information regarding this may be obtained from the City of Hobbs Emergency Management/Safety Coordinator or the Legal Department.

**V. CLOTHING AND EQUIPMENT BENEFITS**

The Hobbs Police Department realizes the importance of a professional image and having available the best tools for any given assignment. To assist in this endeavor the Department issues specific uniforms and equipment to its members. Refer to specific Department policy "Issue of Uniforms and Equipment" and "Uniforms and Appearance."

**VI. BENEFITS THROUGH CONVENIENCE**

The following are a list of benefits through convenience which are offered through the City of Hobbs. For further information contact the Personnel Department.

- A. Hobbs Employee Federal Credit Union
- B. Pre-Paid Legal Services
- C. Deferred Compensation
- D. Payroll Deduction for given benefits
- E. Direct Deposit

**VII. MATERNITY / PATERNITY LEAVE**

The purpose of this policy is to establish guidelines for commissioned employees during pregnancy, child birth, or the adoption of a child. It is the department's policy to provide its commissioned employees with the guidance to manage all available leave afforded to them during Maternity and Paternity situations.

**A. Definitions**

Adoption - process whereby a person assumes the parenting of another and, in so doing, permanently transfers all rights and responsibilities from the original parent(s).

Physician - a health care provider who practices the profession of medicine. For pregnancy/obstetrics this may also include a nurse practitioner or practitioner of midwifery.

Postnatal - period beginning immediately after the birth of the child and extending approximately six (6) weeks after; depending on specifics of the delivery or complications.

Prenatal - this care is important in screening for various complications of pregnancy. This includes routine office visits with physical exams and routine lab tests.

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(Rev. date: 01/07/2015)

B. Procedure

1. Female Employees - Prenatal Notification

- a. Whenever an employee becomes pregnant, she will continue to work in her current position in accordance with her physician's recommendations, as long as she is able to perform the essential functions of the job. If her physician submits information indicating that she can no longer perform her current job duties, she will be eligible for limited duty status.
- b. In the event complications during pregnancy occur which prevent the employee from working, documentation from her physician will be provided to the Human Resources Department. An appropriate plan for leave will be determined through the employees PTO and short term disability benefits.

2. Male Employees - Prenatal Notification

- a. Employees will request leave for doctor's appointments, childbirth, or any other condition that he may need to assist his spouse in the course of her pregnancy.

3. Female Employees - Postnatal

- a. After the birth of a child, the employee will continue leave not to exceed the twelve (12) weeks allowed by the Family Medical Leave Act. This leave may be used from PTO. The remainder of the twelve (12) weeks, not covered by PTO, is unpaid FMLA leave. Unpaid leave or temporary disability must be granted by the Human Resources Department.
- b. If complications occur or employee needs a longer recovery period, written documentation must be provided to the Human Resources Department for consideration of short term disability benefits or an extension of PTO.
- c. The employee may return to work and continue limited duty status until cleared by her physician to return to full/normal duty status. Upon return from FMLA or modified duty, the employee may be required to submit to a fit for active duty assessment.

4. Male Employees - Postnatal

- a. After the birth of a child, the employee will continue leave not to exceed the twelve (12) weeks allowed by the Family Medical Leave Act. This leave may be used from PTO. The remainder of the twelve (12) weeks, not covered by PTO, is unpaid FMLA leave. Unpaid leave or temporary disability must be granted by the Human Resources Department.
- b. If complications occur or employee needs to assist the spouse for a time that extends beyond FMLA, written documentation must be provided to the Human Resources Department for consideration for leave extension.

5. Male and Female Employees

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- a. In accordance with FMLA Regulation 825.201, when a husband and wife are employed by the same employer (City of Hobbs), FMLA leave is limited to a combined total of 12 weeks in a 12-month period when leave is taken for the birth, adoption or foster care placement of a child.
- b. The combined limitation does not apply to leave taken by either spouse to care for the other who is seriously ill and unable to work, to care for a child with a serious health condition or for his/her own serious health condition.

**CHAPTER 2**  
**SECTION 24 – HONOR GUARD**  
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(Rev. Date: 08/23/06)

**I. STATEMENT OF PURPOSE**

The Hobbs Police Department Honor Guard was formed so the Department and the Administration can send official representation from this Department to attend functions of a formal nature. The Honor Guard functions as ambassadors for the Hobbs Police Department when attending functions statewide or outside the confines of the state as requested and approved by the Chief of Police or his designee. This approach makes the Department broadly visible as a professional entity.

**II. UTILIZATION**

A. The Honor Guard may be utilized, as requested and approved by the Chief of Police or his designee. The Honor Guard may be used in the following situations:

1. Funerals for officers who have died in the line of duty;
2. Funerals of local dignitaries who have had a significant impact on the City or the Department;
3. Funerals of past or present members of the Department;
4. Funerals of immediate family members of employees of the Department, when requested;
5. Law Enforcement Memorial Services;
6. Events where the appearance of the Honor Guard is appropriate.

B. When any utilization of the Honor Guard is requested, the Coordinator will arrange for use of the members of the Honor Guard through their respective shift Sergeants.

**III. APPOINTMENT**

A. The position of Honor Guard is a voluntary position with no additional compensation other than time spent in honor guard duties. This unit consists of at least 6 commissioned officers who report to the designated Honor Guard Coordinator for matters concerning the Honor Guard.

B. When an opening arises, an announcement will be posted two weeks prior to the selection. Officers should submit a letter of interest through their chain of command to the Honor Guard Coordinator.

C. The selection will be based on, but is not limited to, the following criteria:

1. Current performance, including a review of the officer's last performance evaluation;
2. File review;
3. Professional bearing in uniform;
4. Professional attitude and bearing.

D. After reviewing each applicant the Honor Guard Coordinator will make his recommendation to the appropriate Division Captain for final approval.



#### **IV. UNIFORM**

The Honor Guard should portray a positive and professional unit; therefore the uniform shall consist of:

- A. Class A uniform--long sleeve uniform shirt with tie and uniform pants;
- B. Highly shined footwear and leather gear;
- C. White gloves and braids;
- D. Soft cap, as approved.

CHAPTER 2  
SECTION 25-- EARLY INTERVENTION SYSTEM  
PAGE 1

(Rev. Date: 04/16/14)

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I. STATEMENT OF PURPOSE

This Early Intervention System is designed as a pro-active tool to enhance employee retention, training, and long term success. The system is an information access tool useful for identifying a wide range of employee performance. The Early Intervention System offers a crucial opportunity to intervene on behalf of the employees, the Department, and the community. The purpose of this system is to:

- A. Provide a means to identify patterns of performance or stress indicators to enable supervisors to address training or other employee needs and improve employee performance.
- B. The Early Intervention System is *not* part of the Hobbs Police Department disciplinary system.
- C. This policy does not relieve the supervisor of the normal responsibility to monitor and initiate a review and remedial action as warranted, of his assigned employees performance related issues.

II. DEFINITIONS

A. **Officer Activity Sheet:** This quarterly statistical data sheet is generated by the Hobbs Police Department Crime Analyst for each commissioned employee. The data sheet contains information from various categories of officer contacts as determined by the administration.

- 1. Data from the Officer Activity Sheet can be used to activate the Early Intervention System based on a possible disparate racial citizen contact ratio.

B. **Early Intervention Data Sheet:** This quarterly statistical data sheet has point values assigned to each of the following employee activities. The points noted in each category are used to create a numeric value to be used as comparative tool for all employees. The E.I.S. data sheet is generated by the Support Services for each employee who has activity as follows:

- 1. *Use of Force and Show of Force incidents.* { 1 point per incident }  
{ 3 incidents activates }
  - a. Any use of Force as defined in Chapter 2, Section 21. When multiple types of force by one officer occurs in one incident, only 1 point will be issued unless force is used on more than one subject.
- 2. *All in-the-line-of-duty firearms discharges.* { 5 points per incident }
  - a. Any firearms discharge in the line of duty automatically activates the E.I.S. system (Unless the use of a firearm was approved by a supervisor to destroy a dangerous or injured animal).
- 3. *Citizen initiated complaints.* { 4 points per incident }
- 4. *Administration initiated complaints, including civil actions.* { 4 points per incident }
- 5. *Corrective file entries (not including quarterly supervisor/employee meetings).* { 4 points per entry }
- 6. *Employee commendations, awards or congratulatory comments will be tracked for each employee.* Positive comments do not subtract numerical value from any of the listed

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### SECTION 25-- EARLY INTERVENTION SYSTEM

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categories.

7. *Critical Incident Exposures.* (including but not limited to critical incidents, which due to their involvement, may cause an employee to experience a level of stress beyond normal levels). This category relies on the first line supervisors to alert O.P.S. of the employees who may have been affected by such an event. This category could involve personnel from, live intelligence operators, patrol, criminal investigators, evidence, detention, records, or staff personnel.

{4 points per incident}

8. *Vehicle Pursuits* Any personnel involved in the actual pursuit including the supervisor of the pursuit

{1 point per incident}

{3 incidents activate}

9. *Vehicle Accidents* All accidents will be tracked for each employee. Only preventable accidents will count towards activation.

{1 point per incident}

{2 incidents activate}

- C. The statistics in the personnel Early Intervention data sheet are maintained on a four quarter basis where at the conclusion of each quarter, a new quarter is opened and the oldest quarter is removed.
- D. This Early Intervention System relies heavily on the first line supervisor's involvement with their subordinates and accurate documentation when appropriate.

### III. ACTIVATION AND PROCEDURE FOR REVIEW

- A. The personnel Early Intervention System will be activated using a two-stage approach. The first stage is based on pure statistical data and the second stage is based on recommendations from the employee's chain of command.
- B. All personnel who have data entry activity in their Early Intervention System file will receive a copy of their E.I.S. sheet at the end of that quarter.
  1. **Activation by Officer Activity sheet** - Activation based upon the Officer Activity data sheet is calculated on a peer-based threshold. That threshold is based on the race contact percentage statistics from officers who had at least 70 total citizen contacts in the quarter.
    - a. The E.I.S. can be activated when the employee's Officer Activity Sheet shows that contacts based on race percentage meets or exceeds one standard deviation in that quarter and the employee has remained at or above the one standard deviation level for three out of four quarters. The standard deviation threshold is re-calculated each quarter.
  2. **Activation by Early Intervention Data sheet** - Activation based upon the employee's E.I.S. data sheet is calculated on a peer-based threshold. In order for the employees point total to be included in the standard deviation calculation, they must have at least five points in the quarter. Activation can commence when the employee has a quarterly point total that meets or exceeds one standard deviation above the average. The standard

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deviation level is re-calculated each quarter.

3. The E.I.S. can be activated by employees who have been named in two or more complaint incidents in the quarter. Citizen and Administrative complaints are combined.
  4. The E.I.S. can be activated by employees who have been involved in three use of force incidents in the quarter (refer to II, B., 1, a., for details) and or;
  5. The E.I.S. can be activated by employees who have been involved in three or more vehicle pursuits in the quarter (refer to II, B., 8, for details) and or;
  6. The E.I.S. can be activated by employees who have been involved in two or more preventable accidents in the quarter (refer to II, B., 9, for details) and or;
  7. The Early Intervention System can be activated by the Chief of Police, Deputy Chief or Division Captain at any time in order to preserve the integrity of the Hobbs Police Department.
- C. Supervisors Review Procedure. When any of the preceding thresholds are met, the O.P.S. Lieutenant shall notify the involved employees Division Captain. The Division Captain shall notify the supervisor of the involved employee that their subordinate has met the Early Intervention System statistical review level. The supervisor will notify the employee and explain the basis for the review. This performance review is designed to place an employees' performance in the context of his or her assignments and overall performance history. The supervisor should consider making a comparative review of those employees with similar assignments. The supervisor should review the employee's files consisting of, but not limited to:
1. Officer Activity Sheet.
  2. Early Intervention System data sheet.
  3. Annual performance evaluation.
  4. Work assignment sheet, including consideration of special assignments such as S.W.A.T. call-outs, K-9, special interdiction activity, surveillance, etc.
  3. Associated use of force reports, citizen complaint reports, administrative complaint reports, and any other police incident reports associated with the review.

**IV. REPORTING AND RECOMMENDATIONS**

- A. The employees' Lieutenant/Supervisor shall submit a written response, through the chain of command, to the Division Captain with their findings, and a plan for intervention. Possible intervention measures may include, but are not limited to:
1. No action recommended - meaning that based on a review of all available information, no issues were found that neither required additional attention nor were any apparent personal issues found.
  2. Periods of supervised observation in the field or work site.

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3. A counseling session with supervisors, co-workers, or a peer group made up from the Hobbs Police Officers Association.
  4. Referral to an agency authorized mental health professional;
  5. Referral to the City of Hobbs Employee Assistance Program;
  6. Remedial training to address identifiable problems;
  7. Reassignment or transfer.
- B. The Captain shall review the written response and forward to the Chief of Police for review.
1. The employee shall be notified in writing of the final recommendation of his/her E.I.S. activation.
  2. All intervention measures shall be implemented within applicable Hobbs Police Department Rules and Regulations and the City of Hobbs Personnel Manual.
  3. The Division Captain shall be responsible to insure that any intervention measures are accomplished and submit a report to the Chief of Police with the final results.
  4. First-line supervisors are responsible for monitoring the performance of their subordinates who become part of the Early Intervention System. An employee's supervisor shall document the employee's performance following an E.I.S. activation. The employee will have the opportunity to read and sign the follow-up assessment then it will be forwarded to O.P.S. for filing in the associated activation packet.
  5. The Accreditation Manager is responsible for maintaining the E.I.S. records.
- C. The Early Intervention System shall be reviewed at least annually to evaluate the system's effectiveness and make changes as required.

**V: RISK ANALYSIS**

**A STATEMENT OF PURPOSE:**

To establish guidelines for department employees to reduce the risk of injuries, lawsuits and liability exposures.

**B POLICY:**

It is the policy of the Hobbs Police Department to provide the safest workplace possible and to assist in training and educating employees on ways to reduce injury, lawsuits and liability exposures.

**C TRAINING AND EDUCATION:**

1. The City of Hobbs provides a monthly safety meeting for all city employees.

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2. All employees are encouraged to maintain good physical conditioning to reduce the likelihood of injury.
3. Training and education is provided to employees through classes and in-services.

D. REPORTING AND ANALYSIS:

1. In accordance with City Policy, a report will be filed on all on-duty related accidents and injuries, or incidents where a high probability of liability occurs.
2. Reports will be forwarded through the chain of command to the appropriate division Captain.
3. An analysis will be conducted on an as needed basis.
4. Information will be compiled from the on-duty injury reports and the filing of Tort claims or liability lawsuits, along with Use of Force reviews, Citizen Complaint history, and the Early Intervention System statistics.
5. Analysis reports will be forwarded to the Chief of Police.

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**SECTION 26 – BIAS-BASED PROFILING**  
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**I. STATEMENT OF PURPOSE**

The Hobbs Police Department has established a policy stating its commitment to unbiased, equitable treatment of all persons in enforcing the law and providing law enforcement services pursuant to the Prohibition of Profiling Practices Act, NMSA 1978, § 29-21-1 et seq. (2009).

**II. POLICY**

Public trust and confidence in the Hobbs Police Department is critical to effective law enforcement and is achieved largely through fair and equitable treatment of the public. It is the policy of the Hobbs Police Department to respect and protect the constitutional rights of all individuals during law enforcement contacts and/or enforcement actions and that such enforcement decisions will not be predicated solely on the basis of an individual's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, or economic status.

To this end, biased-based policing and/or profiling in the Department are unacceptable practices that will not be tolerated.

**III. DEFINITIONS**

- A. **BIAS-BASED POLICING / PROFILING** – To select a person for or subject a person to any routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property, or to determine the scope, substance or duration of the routine or spontaneous investigatory activity, based on the person's race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition, or economic status.
- B. **LAW ENFORCEMENT CONTACTS / ENFORCEMENT ACTIONS** – Includes, but is not limited to, a routine or spontaneous investigatory activity, including an interview, a detention, a traffic stop, a pedestrian stop, a frisk or other type of bodily search or a search of personal or real property.

**IV. GENERAL PROCEDURES**

- A. Bias-based policing/profiling by any member of this Department is prohibited. Investigative detentions, field contacts, traffic stops, pedestrian stops, searches, a frisk, other type bodily searches, arrests, property seizures and forfeiture efforts will be based on a standard of reasonable suspicion or probable cause for determining when or how to take enforcement action in accordance with the Fourth Amendment of the U.S. Constitution.
- B. Officers shall not consider race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability or serious medical condition in determining to initiate any investigatory or enforcement activity.
- C. Members of this Department shall not initiate, prolong or expand the scope or duration of an investigatory or enforcement activity in order to determine or inquire about an individual's immigration status based on the individual's race, ethnicity, color, national origin or language.

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**SECTION 26 – BIAS-BASED PROFILING**  
**PAGE 2**

- D. Department personnel will provide the same level of police service to every citizen regardless of their race, ethnicity, color, national origin, language, gender, gender identity, sexual orientation, political affiliation, religion, physical or mental disability, serious medical condition, or economic status.
- E. Nothing in this policy prohibits officers from using the traits and characteristics of persons, such as race, ethnicity, or national origin in the same manner that officers would use hair color, height, weight, or gender to the extent that credible information, relevant to the locality or time frame, links a person with those identifying characteristics to an identified criminal incident or criminal activity.

**V. REPORTING**

- A. Anyone may lodge a complaint regarding alleged unlawful police profiling with the Hobbs Police Department. Complaints must be made **within 90 days** of the original incident.
- B. The Department shall allow a complaint alleging a violation of this policy by its law enforcement officer to be made:
  - 1. In person or in writing sent by mail, facsimile or electronic mail and signed by the complainant; or
  - 2. By telephone, anonymously or by a third party; provided that the Department shall determine the complaint to be valid before taking any appropriate investigatory measures pursuant to this policy and any such investigation shall comply with the provisions of NMSA 1978, § 29-14-4 (1991).
- C. The Department will provide complaint forms and personnel will make them available to the public.

**VI. DUTIES OF DEPARTMENT PERSONNEL**

- A. Any member of this Department who is aware of a violation of this section, or who receives a citizen complaint, shall immediately report the alleged violation to a supervisor orally and submit the information in writing.
- B. Personnel shall not discourage citizens from filing complaints of biased-based policing / profiling and shall not intimidate, coerce, or threaten retaliation against citizens to discourage or prevent them from filing complaints.

**VII. SUPERVISOR DUTIES**

- A. Supervisors are responsible for seeing that all personnel under their command are familiar with this policy.
- B. Supervisors will monitor the activities of personnel under their command in order to identify behaviors that may be indicative of a violation of this policy.
- C. Supervisors will respond to all citizen complaints of biased-based policing / profiling and will ensure that complaints are handled in accordance with this policy. Supervisors will not discourage citizens from filing complaints of biased-based policing / profiling and shall not intimidate, coerce, or threaten retaliation against citizens to discourage or prevent them from filing complaints.



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**SECTION 26 – BIAS-BASED PROFILING**

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**VIII. TRAINING**

- A. The Hobbs Police Department provides training to its law enforcement officers during orientation and every two (2) years thereafter to assist officers in adhering to this policy and the Prohibition of Profiling Practices Act.

**IX. INVESTIGATION OF ALLEGATIONS OF ILLEGAL PROFILING**

- A. Allegations of illegal profiling will be handled as follows:
  - 1. All complaints will be investigated by the Chief of Police, or his/her designee, unless the Chief of Police is the subject of the complaint in which case the Chief of Police shall designate an alternate investigator from outside the Hobbs Police Department.
  - 2. Training will be utilized to address needs based on the outcome of the investigation.
  - 3. The Chief of Police, or his/her designee, will submit a redacted copy of all complaints and a description of their disposition to the New Mexico Attorney General. The documents submitted to the Attorney General shall disclose the nature and disposition of the complaint but shall not disclose personal identifying information of a law enforcement officer or complainant.

**X. DISCIPLINE**

- A. Violation of this policy prohibiting unlawful police profiling is cause for discipline. The Chief of Police will take any action necessary to enforce this policy up to and including termination.

## **I. STATEMENT OF PURPOSE**

To establish the department's position on the utility, management, administration, and oversight of social media. This policy is not meant to address one particular form of social media, rather social media in general, to allow for new tools and future technologies.

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role these tools play in the personal lives of some department personnel. This personal use of social media can have a bearing on department personnel in their official capacities. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

## **II. DEFINITIONS**

- Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
- Page:** The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights
- Post:** Content an individual shares on a social media site or the act of publishing content on a site.
- Profile:** Information that a user provides about himself or herself on a social networking site.
- Social Media:** A category of internet based resources that integrate user generated content and user participation. This includes, but is not limited to, social network sites (Facebook, MySpace), microblogging sites (Twitter), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites.
- Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, video, or related forms of communication.
- Wiki:** Web page(s) that can be edited collaboratively.

## **III. DEPARTMENT SANCTIONED PRESENCE ON SOCIAL MEDIA**

- A. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the department's presence on the website.
- B. Where possible, the page(s) should link to the department's official website ([www.hobbsspd.com](http://www.hobbsspd.com))
- C. All department social media sites or pages shall be approved by the Chief of Police or his designee and shall be maintained by the Support Services Division or as otherwise determined
- D. Where possible, social media pages shall clearly indicate they are maintained by the department and have department contact information prominently displayed.
- E. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology, records management, department and City of Hobbs policies.
- F. Where possible, social media pages should state the opinions expressed by visitors do not reflect

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**SECTION 27 - SOCIAL MEDIA**  
**PAGE 2**

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the opinion of the department. Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.

**IV. DEPARTMENT SANCTIONED USE OF SOCIAL MEDIA**

**A. Department personnel representing the department via social media outlets shall:**

1. Conduct themselves at all times as representatives of the department and adhere to all department standards of conduct;
2. Identify themselves as a member or employee of the department unless working in an undercover capacity
3. Not make any statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecution, nor post, transmit, or otherwise disseminate confidential information;
4. Not conduct political activities or private business;
5. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.
6. The use of department computers by department personnel to access social media is prohibited without authorization.

**B. Potential Uses**

1. Social media is a valuable investigative tool when seeking evidence or information and/or disseminating information about:
  - a. Missing persons;
  - b. Wanted persons;
  - c. Gang participation;
  - d. General crime information;
  - e. Photos or videos of a crime where the department needs the media's assistance, as approved by supervisor personnel
2. Social media can be used for community outreach and engagement by;
  - a. Providing crime prevention tips;
  - b. Offering online-reporting opportunities;
  - c. Sharing crime maps and data;
  - d. Soliciting tips about unresolved crimes.
3. Social media can be used to make time sensitive notifications related to:
  - a. Road closures;
  - b. Special events;
  - c. Weather emergencies;
  - d. Missing or endangered persons;

- c. Accidents and/or crime scenes where the public may be affected.
- 4. Social media may also be used for:
  - a. Recruiting
  - b. Advertising employment positions;
  - c. Publicizing volunteer positions;
  - d. Offering training opportunities.

**V. RULES FOR PERSONAL USE OF SOCIAL MEDIA**

**A. Free Speech**

1. As public employees, department personnel are cautioned that speech, on or off-duty, made pursuant to their official duties is not protected under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume their speech and related activity on social media sites reflect upon their office and this department. Engaging in prohibited speech noted herein may provide grounds for undermining or impeaching an officer's testimony in criminal or civil proceedings. Department personnel are subject to discipline up to and including termination for violations of these provisions.
2. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's Professional Standards of Conduct (Chapter 2, Section 1) is required in the personal use of social media. In particular, department personnel are prohibited from the following:
  - a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any other protected class of individuals.
  - b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.
  - c. Speech which could bring the department into dispute or which impairs the mission of the department and/or the ability of department personnel to perform their duties.

**B. Social Networks and Other Web Sites**

1. Employees who have personal web pages, memberships with social networking web sites or other types of internet postings, which can be accessed by the public are cautioned in disclosing their employment status with this department. Employees will not post information about another employee without that employee's permission. Employees working in an undercover capacity will not disclose their employment status nor shall they post any form of visual or personal identification.
2. Photographs or other depictions of department uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable to the Hobbs Police Department shall not be used on personal employee internet postings if such a post will bring discredit upon the department, another employee or themselves. Employees will not post photos from any crime scene or other location that they have responded to while on or off duty.

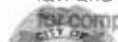
3. Employees shall not authorize any other party to use photographs or other depictions of department uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable of the Hobbs Police Department without written permission from the Chief of Police or his designee.
4. Posting the following types of criminal justice information to social networking sites is explicitly prohibited:
  - a. Confidential, sensitive, or copyrighted information to which you have access due to your employment with the department;
  - b. Data from criminal or administrative investigations including photographs, videos, or audio recordings;
  - c. Photographs of suspects, arrestees, or evidence;
  - d. Personal statements about any investigation that are not included in an official police report including comments related to pending investigations and/or prosecutions.
5. Department personnel should expect that any information created, transmitted, downloaded, exchanged or discussed in public online forums may be accessed by the department at any time without prior notice.

C. Reporting Violations

1. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify his or her supervisor immediately for follow-up action.



## HOBBS POLICE DEPARTMENT POLICIES & PROCEDURES

GENERAL PROVISIONS CHAPTER 2, SECTION 28		<div>law and the holder assumes responsibility for compliance with such laws</div>  <div>HOBBS POLICE DEPARTMENT POLICIES &amp; PROCEDURES</div>
EFFECTIVE DATE 05/01/2017	REVISION DATE NA	Specialized Equipment (Body-Worn Cameras, In-Car Cameras, Computers, Tablets, Etc...)
NM ACCREDITATION STANDARD NA		

### I. STATEMENT OF PURPOSE

The purpose of this policy is to establish guidelines related to the use of body-worn cameras (BWCs) and in-car cameras (ICCs), so officers may reliably record their official law enforcement contacts with the public in accordance with policy and the law. This policy provides a framework for the use of the two systems, the management of the video evidence and practical operational requirements. It is the purpose of this procedure to provide officers with guidelines and is not intended to describe every possible situation in which a BWC system must be used.

### II. POLICY

It is the policy of this Department that all officers shall activate the BWC and in-car camera when such use is appropriate to the proper performance of his or her official duties, where the recordings are consistent with this policy and law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### III. PROCEDURES

#### A. Administration

1. Officers shall complete a department approved training specific to their issued equipment. Training will include but not be limited to case law, department policy, media capture and storage, system security, audit trails, evidence, privacy concerns and proper positioning, use, care and maintenance of the device. No officer shall use a BWC that was not issued by the Department in their official capacity.
2. Employees shall keep all BWCs entrusted to them in a safe and serviceable condition. Loss, damage or unserviceable condition of BWCs shall be reported by the employee to their Supervisor as soon as possible. Employees may be required to pay for the repair or replacement of equipment that is damaged or lost because of negligence or intentional damage and may face disciplinary action.

#### B. Officer Operation Requirements

1. Prior to shift, officers will test the BWC operation in accordance with manufacturer specifications and department training.

a. BWC testing includes the following:

- i. Ensuring the device is properly secured within the outermost garment of the uniform and that it is not obstructed by other equipment or clothing. Once properly secured, an audible response will be heard verifying the assigned officer's name and indicating the device is on.
  - ii. Depress the status button on the Bluetooth Device. The BWC will provide an audible status of the device to include battery life and storage capacity.
2. Any time the BWC is not functioning properly, it will be removed from service. Any problems with the equipment shall be immediately reported to a supervisor. It will be the officer's responsibility to ensure the device is delivered to the appropriate custodian so repairs or exchanges can be completed as quickly as possible. In the event that the device is taken for repair, a replacement device will be made available.
  3. At the end of the officer's shift, the BWC will be secured and charged.

C. Uploading and Storage

1. Uploading and storage of audio/video recordings are automated through a cellular or Wi-Fi connection. Recordings are stored on a cloud-based system allowing it to be immediately secured and accessible.

D. Activation of the BWC

1. Officers will utilize their BWC during all official citizen contacts in the course of their duties including calls for service, traffic stops, arrests, searches and all interactions with inmates inside the jail. Consideration will be given in cases involving heightened urgency, legitimate concern for officer safety and/or equipment malfunctions. Any circumstance that prevents the activation of the BWC or device failure will be noted in the officer's report narrative.
2. Officers shall not interrupt, pause or mute the recording of any incident until their direct involvement in the incident is concluded.
3. Officers shall not record confidential informants. If the officer finds it necessary to cease recording during an incident, the officer will clearly justify the reason in the report narrative.
4. BWCs may be used to supplement recorded interviews for CID in a controlled environment, video recordings of crime scenes and pre-search warrant videos on vehicle or residences. They are not intended to be used as a replacement for interview room recordings.

E. Classification and Retention of Recordings

1. Classification of video is important and directly related to its retention. Officers shall classify each video at the conclusion of the recording and enter any related CAD/Report number(s). Classification is accomplished in two ways:

- a. Automated – Generally, videos initiated as a result of a dispatched call for service will be automatically classified as a result of the CAD integration. Officers should manually change classifications if necessary.
  - b. Manual – Videos initiated manually will need to be classified manually.
2. All video will be retained for a minimum of one year or as follows:
- a. Video that results in a formal complaint against the department, or an officer of the department, shall be retained for a minimum of three years.
  - b. Any video that is part of a criminal incident or administrative complaint will be retained for two years after all appeals, and court orders are exhausted.
  - c. Requests for deletion of recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief of Police or designee. All requests and final decisions will be kept on file.
  - d. Any video not covered in the areas listed above will be retained as prescribed in NMAC 1.19.8.807.

**F. Restrictions on Using BWC**

Department issued BWCs will be used only in the course of authorized, lawful duty. Officers shall not utilize their department issued BWC for unofficial or personal use, and officers shall not utilize non-Department issued BWCs.

1. Officers shall not indiscriminately record events or people that are not the subject of a call for service or investigation, and shall not allow the BWC to record their entire shift.
2. Officers shall not record members of this department surreptitiously without authorization from the Chief or his designee.
3. Officers have the ability to download useful applications on their BWC; however, all applications will require a written request by the officer justifying the use of the application, and the request will be submitted to the Chief of Police prior to download.
4. Officers shall not download or install any social media application (e.g. Facebook, Instagram, Snapchat, Twitter, etc...).

**G. Review of BWC Recordings**

1. All BWC recordings are the property of the Department. Dissemination outside of the department is strictly prohibited, except to the extent permitted or required by law, and only with written authorization from the Chief of Police or designee. Recordings may be reviewed in the following situations:



- a. During preparation of reports, criminal complaints or statements;
  - b. By a supervisor investigating a specific act of officer conduct and/or to assess officer performance;
  - c. By the user to assess proper functioning of the BWC;
  - d. By any agency investigator who is participating in an official investigation, such as a personnel complaint, administrative review or criminal investigation;
  - e. An officer who is captured on, or referenced in a video or audio recording may review and use the recording for any purpose relating to his/her duties as a police officer;
  - f. By court personnel through proper process, or with permission of the Chief of Police or designee;
  - g. By the media through proper process, or with permission of the Chief of Police or designee;
2. Recordings may be shown for training purposes. Officers are encouraged to notify supervisors of videos that would benefit future training.
  3. In no event shall any recording be reviewed or shown for the purpose of ridicule or embarrassment to any officer, civilian employee or another person.
  4. Recordings that are subject to, or potentially evidence in an administrative or internal affairs investigation will not be reviewed by any officer unless authorized by the Chief of Police or designee.

#### H. Documenting BWC Camera Use

1. Any incident that is recorded shall be documented in the officer's incident report.

#### I. Requests for BWC Video

1. Upon proper request, a copy of the original video will be made for use as authorized by this policy through download or shared file.
2. Redaction of video may be conducted to protect privacy as directed by the Chief of Police or designee.
5. Official requests for copies of recorded media shall be completed in accordance with Hobbs Police Department Rules and Regulations, Chapter 5, Section 13 – Property and Evidence Control.
6. Requests to view media that has not been entered into evidence will be evaluated on a case by case basis by the Chief of Police or designee.

J. In-Car Computers, Tablets, or Other Electronic Device

1. Messages transmitted from electronic devices are received by the person you are sending them to and the main computer. This means there is a record of every transmission and the content (text) of the message. These messages are subject to release to the public, courts, etc. All employees must take this into consideration and ensure that all transmissions are of a professional nature.
2. Drinks and other liquids shall not be placed in an area where they can be spilled or leak on the computer.
3. Efforts should be made to keep electronic devices from getting too hot during warm weather.
4. The lid/screen must remain closed while the vehicle is in motion. This will prevent the operator from working on the computer while driving and will help ensure that the lid does not become an airbag-induced projectile in the event of an accident.

K. In-Car Camera Systems

1. The in-car camera system is designed to provide an audio/video record of events as they happen from the viewpoint of the unit. Officers shall adhere to the following procedures when utilizing mobile video recording (MVR) equipment.
2. MVR equipment installed in a vehicle is part of the vehicle package and is the responsibility of the officer assigned to that vehicle and will not be removed from the vehicle without approval of the officer's supervisor. Installation and removal of MVR equipment will only be done by authorized personnel as designated by the department. MVR equipment will be maintained according to manufacturer's recommendations.
3. Prior to each shift, officers shall determine whether the MVR equipment is working satisfactorily. They shall bring any problems to the attention of their supervisor.
4. The MVR system must be in the RECORD mode during any traffic stop or emergency run. In addition, the MVR may be engaged at the discretion of an officer to record other citizen contacts.
5. Officers shall ensure that audio is recorded in conjunction with their video recording.
6. Officers should ensure that the video camera is properly positioned and adjusted to record events.
7. Officers shall not intentionally tamper with or in any manner alter MVR media.

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**L. Supervisory Responsibilities**

1. Supervisory personnel shall ensure that officers equipped with BWCs and ICCs utilize them in accordance with the policy defined herein.
2. At least monthly, supervisors will randomly review recordings to ensure that equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

*General  
Provisions  
Chapter 2, Section 29*



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**HOBBS POLICE DEPARTMENT  
POLICIES & PROCEDURES**

EFFECTIVE DATE      REVISION DATE  
09/01/2017            09/01/2017

*Specialized Equipment*

NM ACCREDITATION STANDARD

*(Unmanned Aerial Vehicles (UAV's))*

**I.        STATEMENT OF PURPOSE**

The purpose of this policy is to establish minimum standards on the use and oversight of UAV's for this agency.

**II.       POLICY**

It is the policy of this agency to utilize Unmanned Aerial Vehicle's (UAV's) for the focused and limited purpose of criminal investigations or public safety. UAV's, related equipment and technology, and data collected from their deployment shall be used in a lawful manner consistent with all provisions of the United States and New Mexico Constitutions. It is also the policy of this agency to allow for the deployment of UAV's for emergency use approved by the Chief of Police or his designee or for the training, testing and evaluation of the UAV by this agency.

**III.      DEFINITIONS**

- A. Unmanned Aerial Vehicle (UAV): Means an aircraft that is operated without a physical human presence within or on the aircraft which, in the manner in which it is used or the manner in which it is equipped, is capable of performing audio or visual surveillance and guided by remote control.
- B. Federal Aviation Administration: (FAA)

**IV.      PROCEDURES – General**

- A. A member of this agency shall be allowed to use UAV's for criminal investigations or public safety purposes, providing the requirements below are followed:
- B. Prior to the deployment of the UAV, a employee must be adequately trained in its use and operation, and must be knowledgeable of the standards set forth in this policy.
- C. Any operation by a member of this agency of the UAV must fully comply with all Federal Aviation Administration (FAA) requirements and guidelines, including the acquisition of a Certificate of Authorization or Waiver from the FAA, as well as with any other applicable law.
- D. A employee may not deploy the UAV for criminal investigative purposes without the knowledge and prior approval of the Chief of Police or his designee of this agency.

- E. Prior to deploying a UAV for criminal investigation purposes, a employee shall consult with and seek guidance from the authority having prosecutorial jurisdiction over the investigation, as a search warrant may be required. This does not apply to UAV deployments for non-investigative public safety use or for the purpose of training, testing, or evaluation of the UAV.
- F. A employee that deploys the UAV shall properly document each such deployment on the appropriate agency report forms. Such documentation must include at a minimum:
  - 1. The date, time(s) and purpose of each deployment.
  - 2. Whether a search warrant was sought by this agency for each deployment.
  - 3. Whether a search warrant was obtained by this agency for each deployment.
- G. A employee that mistakenly deploys the UAV must promptly report the deployment to the Chief of Police or his designee. Such report must describe the circumstances under which the UAV was deployed and a plan of action describing how such mistaken deployment will be avoided in the future.
- H. A employee that deploys the UAV must have the capability to adequately track and record the flight pattern and location of the UAV.
- I. A employee may not deploy more than one UAV at any one time, in any one area, or at any one event without first coordinating and defining the parameters of the area where each deployed UAV will be operated.
- J. A employee that intentionally uses the UAV without proper authorization or in deviation of the standards set forth in this policy shall be subject to disciplinary action, up to and including termination.

V. PROCEDURES – Restriction on the Use of UAV's

- A. Approval by the Chief of police or his designee is required prior to the deployment of a UAV equipped with any of the following items:
  - 1. Night vision technology.
  - 2. High-powered zoom lenses.
  - 3. High-powered acoustical listening devices.
  - 4. Thermal imaging technology.
- B. Under NO circumstances will the UAV ever be equipped with:
  - 1. Weapons of any kind.

- C. UAV's must be operated by a employee at an altitude, a speed, and with a planned flight pattern that will ensure that the invasion of privacy of third parties who are not under investigation is minimized.

VI. PROCEDURES – Audio and Video Recordings

- A. UAV's must be operated by a employee at such an altitude, a speed, and with a planned flight pattern that will ensure that inadvertent audio and video recordings of private spaces of third parties not under investigation are avoided or minimized
- B. Audio and video recordings made by any employee of the UAV shall constitute "intelligence and investigative information" under applicable New Mexico law, and will only be duplicated and further disseminated in accordance with such law. The video or photos will be logged into evidence and stored for the purposes of evidence per our retention policy. The video or photos logged will be in disk form and/or a SD Card.

VII. PROCEDURES – Avoiding Hazards

- A. The UAV deployed in an area in close proximity to persons, objects or to private property must be equipped with the capability to safely stabilize the flight in the event that the operator cannot control or observe the UAV.
- B. A employee deploying the UAV at an altitude that might reasonably be expected to cause the UAV to encounter, and possibly harm persons or objects, must keep the UAV subject to observation at all times, in order to minimize the risk of such encounters.

*General  
Provisions  
Chapter 2, Section 30*



HOBBS POLICE DEPARTMENT  
**POLICIES & PROCEDURES**  
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EFFECTIVE DATE	REVISION DATE
09/01/2017	09/01/2017

*Specialized Equipment  
(Tactical Robot)*

NM ACCREDITATION STANDARD

I. STATEMENT OF PURPOSE

The purpose of this policy is to establish minimum standards on the use and oversight of the Tactical Robot for this agency.

II. POLICY

It is the policy of SWAT to utilize the Tactical Robot for the focused and limited purpose of criminal investigations, barricaded subjects, building clearing or public safety. The Tactical Robots related equipment and technology, and data collected from its deployment shall be used in a lawful manner consistent with all provisions of the United States and New Mexico Constitutions. It is also the policy of SWAT to allow for the deployment of the Tactical Robot for emergency use approved by the Chief of Police or his designee; or for the training, testing and evaluation of the Tactical Robot by SWAT.

III. DEFINITIONS

A. Tactical Robot: Means a robotic vehicle that is operated without a physical human presence, a machine capable of carrying out a complex series of actions automatically, especially one programmable by a computer. It is capable of performing audio or visual surveillance and guided by remote control.

IV. PROCEDURES – General

A employee shall be allowed to use the Tactical Robot for criminal investigations or public safety purposes, providing the requirements below are followed:

- A. Prior to the deployment of the Tactical Robot, an employee must be adequately trained in its use and operation, and must be knowledgeable of the standards set forth in this policy.
- B. An employee may not deploy the Tactical Robot for criminal investigative purposes without the knowledge and prior approval of the Chief of Police or his designee of this agency.
- C. Prior to deploying the Tactical Robot for criminal investigation purposes, an employee shall consult with and seek guidance from the authority having prosecutorial jurisdiction over the investigation, as a search warrant may be required. This does not apply to Tactical Robot deployments for non-investigative public safety use or for the purpose of training, testing, or evaluation of the Tactical Robot.

- D. An employee that deploys the Tactical Robot shall properly document each such deployment on the appropriate agency report forms. Such documentation must include at a minimum:
  - 1. The date, time(s) and purpose of each deployment.
  - 2. Whether a search warrant was sought by this agency for each deployment.
  - 3. Whether a search warrant was obtained by this agency for each deployment.
- E. An employee that mistakenly deploys the Tactical Robot to location not authorized must promptly report the deployment to the Chief of Police or his designee. Such report must describe the circumstances under which the Tactical Robot was deployed and a plan of action describing how such mistaken deployment will be avoided in the future.
- F. An employee that deploys the Tactical Robot must have the capability to adequately track and record the location of the asset.
- G. An employee that intentionally uses the Tactical Robot without proper authorization or in deviation of the standards set forth in this policy shall be subject to disciplinary action, up to and including termination.

V. PROCEDURES – Restriction on the Use of the Tactical Robot

- A. Approval by the Chief of Police or his designee is required prior to the deployment of the Tactical Robot equipped with any of the following items:
  - 1. Less lethal munitions, hook, glass punch, ram, explosives, or a firearm.
  - 2. NFDD's or any device authorized by the Chief of Police or his designee.
- B. The Tactical Robot must be operated by a trained employee with a plan that will ensure that the invasion of privacy of third parties who are not under investigation is minimized.

VI. PROCEDURES – Audio and Video Recordings

- A. Tactical Robot must be operated by an employee with a plan that will ensure that inadvertent audio and video recordings of private spaces of third parties not under investigation are avoided or minimized.
- B. Audio and video recordings made by any employee during the use of the Tactical Robot shall constitute "intelligence and investigative information" under applicable New Mexico law, and will only be duplicated and further disseminated in accordance with such law. Any recording will be collected, logged into evidence and held per our retention policy.

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VII. PROCEDURES – Avoiding Hazards

- A. An operator deploying the Tactical Robot in an area that might reasonably be expected to cause the asset to encounter, and possibly harm persons or objects, must keep the Tactical Robot subject to observation at all times, in order to minimize the risk of such encounters.

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## I. STATEMENT OF PURPOSE

Department policy cannot cover every situation that may confront an officer in day to day operations. This directive is intended to provide guidelines to officers in most arrest situations.

## II. DEFINITIONS

**PROBABLE CAUSE** - Facts and circumstances within the officer's knowledge, and of which the officer had reasonably trustworthy information, which are sufficient to warrant a person of reasonable caution to believe that an offense has been, or is being committed. Probable cause means more than a suspicion but less than a certainty; only a probability of criminal conduct need be shown. The officers do not need to positively know that a crime was committed.

**REASONABLE SUSPICION** - Absent probable cause for arrest, an officer must have a specific and articulable basis in fact for suspecting criminal activity has occurred or is about to take place. The intrusion must be reasonable when viewed objectively in light of the circumstances, and the scope and character of the intrusion must be reasonably related to its purpose.

## III. GENERAL POLICY

- A. This arrest policy is based on the concept that the use of an arrest, followed by prosecution, is not the primary or exclusive method available to the Department or its officers. One of the objectives and concerns is the maintenance of public order with a view towards prevention, rather than a punitive approach, when dealing with problems in certain areas of the law.
- B. All commissioned officers are equally responsible for the enforcement of all laws and ordinances. The delegation of the enforcement of certain laws and ordinances to a particular division or unit of the Department does not relieve members of another division from taking prompt police action for violations coming to their attention, while the member is on active duty.
- C. Officers should consider not only the written law, but also the intent of the law, when making an arrest. Laws serve as tools to be used to protect citizens' rights and to maintain peace in the community.
- D. In determining enforcement action, officers may consider factors reasonably believed to be relevant based on observations and in light of personal knowledge, training and experience. Officers shall not inquire into the immigration status of suspects, witnesses, or victims unless it will assist a criminal investigation. However, an arrest based solely on an uncooperative attitude of the offender is not authorized. Officers shall be able to state and describe the reason(s) for a particular course of action upon the request of a supervisor.
- E. The use of alternatives to arrest may be considered at the officer's discretion except domestic violence situations, keeping in mind the rights of involved citizens and other relevant factors.
- F. If a crime occurs in the presence of officers, an arrest may be made with the officer signing the criminal complaint.
- G. If a crime does not occur in the presence of officers, an arrest will be made only after the victim has filed a complaint through the appropriate court and a warrant has been issued. Criminal charges through Municipal Court will be filed by the victim after consultation with the city attorney. The only time an officer will file charges on behalf of the victim is when the victim is too ill, injured or in some manner incapacitated to the point they are unable to do so. These charges will be filed by the officer only if the victim is in agreement and wants charges filed. Officers may also file charges through city court when they or the City of Hobbs are the victim, such as Concealing Identity, R.E.O., etc. Charges through Magistrate Court may be filed by an officer after consultation with the District Attorney's

Office. Exceptions to the misdemeanor on view rule, such as domestic violence, shoplifting or offense charges allowed by state law or city ordinance and felonies will be handled as noted above.

- H. As a general rule, petty misdemeanor arrests should be referred to Municipal Court. A person's prior criminal history or similar charges should be considered before petty misdemeanor arrests are referred to Magistrate Court. Officers shall document the reason for any higher court referral in the associated criminal incident report.
- I. High misdemeanor and felony arrests shall be referred to Magistrate Court.
- J. Arrests of juveniles shall be referred to Children's Court (J.P.P.O.).
- K. In order to avoid potential problems in prosecution, the arresting officer shall seek the approval of a supervisor before filing Misdemeanor and Felony charges together which arise from the same incident.
- L. An arrest report will be completed on any person placed under arrest by this department. The form will be filled in as completely as possible, processed and filed.
- M. The arresting officer will ensure that a III and N.C.I.C check have been completed by Communications personnel and the information noted in the narrative of the arrest report.
- N. No person shall be arrested or picked up solely upon the word of a Parole Officer. The Parole Officer must furnish to this Department a written copy of the Pick Up Order or Hold Order, prior to incarceration. Prior to making an arrest, the arresting officer shall have Communications confirm with the Probation and Parole Office that the Pick Up/Hold Order is still valid.
- O. In order to expedite the process, upon arrival in the Detention Facility, the arresting officer shall complete a criminal complaint to the appropriate court first. The officer shall have the suspect initial the complaint and provide them with a copy. If the suspect refuses, the officer shall write "refused" and initial it. The arrest report narrative shall note that the suspect was provided a copy of the complaint. Secondly to this, the arrest report and any associated paperwork will be completed.

#### **IV. OFF-DUTY ENFORCEMENT**

- A. In the case of a felony or misdemeanor occurring in the presence of an off-duty officer, that officer shall take appropriate police action if, due to the nature of the crime occurring, the safety and security of the public and/or the officer are jeopardized, or the person committing such crime will flee before the arrival of an on-duty officer.
- B. If such an emergency does occur, the officer involved will clearly identify himself as a police officer and conduct himself within the guidelines as may be covered in other sections of these Rules and Regulations.
- C. As soon as practicable, an off-duty officer involved in such emergencies shall request the assistance of an on-duty officer. The off-duty officer shall turn over the handling of the event to the on-duty officer unless the continued involvement of the off-duty officer is required by the situation.
- D. The off-duty officer shall prepare the appropriate reports covering the event and his involvement therein as soon as possible after the resolution of the incident.

#### **V. ARREST OF A CITY EMPLOYEE**

- A. There may be occasions when employees of the City of Hobbs are arrested. These employees are not given preferential treatment, but are afforded the same courtesies extended to all citizens.

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(Rev. Date:07/24/13)

- B. Arresting officers shall employ the same procedures as for other arrests-
- C. The Chief of Police will be notified, through the Chain of Command, of the circumstances of the arrest.

**VI. ARRESTS OUTSIDE THE CITY LIMITS**

There may be occasions when a warrantless arrest is made for violations which occurred outside the city limits. In these cases, any charges shall be filed through Magistrate Court.

**VII. CRIMINAL COMPLAINTS**

- A. Any time a warrantless arrest is made, a criminal complaint will be filed immediately. This should be the first paperwork completed upon arrival at the Detention Facility.
- B. It is crucial that the arresting officer ensure the criminal complaint contains the required probable cause for the arrest. If the charges are to be filed through Magistrate Court, the arresting officer must contact the on-call Assistant District Attorney as soon as practical after the arrest. The ADA contacted must also be documented by the officer on the criminal complaint. If upon contact of the on-call ADA the charges are not approved, the arresting officer shall immediately contact his supervisor and the City Attorney for review of the charges and direction on how to proceed with the arrestee.
- C. The criminal complaint should include any witness/victim statements along with their full names and DOBs. For example, "Witness John Doe (W/M, 01-01-61) stated that .....". Then just below the narrative, type the complete witness/victim information (Name, Address, Phone-work/home). In addition, if there are any co-defendants, type the name and DOB in the narrative.
- D. Prior to supervisory approval of the arrest report, the criminal complaint will be approved by a supervisor to ensure sufficient probable cause has been outlined.
- E. Prior to the subject posting bond, the criminal complaint and arrest report should be approved by a supervisor.
- F. Upon completion of the complaint, the arrestee will be requested to initial it to indicate he is receiving a copy. If he refuses, another officer or Detention Officer should witness the refusal. The yellow copy of the complaint will be given to the arrestee, the rest are attached to the arrest report.
- G. If the arrestee has been violent and placed directly into a cell, after completion of the complaint, the prisoner will be informed it is available. If he refuses, the copy of the complaint will be left in his property bag.
- H. A notation should be made in the narrative section of the arrest report indicating the arrestee received or refused a copy of the criminal complaint.

**VIII. RELEASE OF PRISONERS ON RECOGNIZANCE**

- A. In order to release a prisoner on their own recognizance the respective judge will be contacted, advised of the circumstances and authorization requested.

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- B. A member of this department holding the rank of Lieutenant or above has the authority to authorize the release of a prisoner on their own recognizance if emergency conditions exist (i.e., medical conditions, etc.) and no judge is available.
- C. It shall be the responsibility of the highest ranking on duty Patrol Services Supervisor to see that the bond and own recognizance paperwork is completed by the on duty detention staff, signed, and properly distributed when an own recognizance release is approved.

**IX. ADVISE OF RIGHTS**

- A. Officers may conduct a reasonable investigatory inquiry of an individual concerning an alleged offense to attempt to determine the individual's identity and whether or not they have knowledge of an offense being investigated. The investigatory inquiry may be conducted of individuals prior to advising them of certain rights.
- B. The individual must be immediately advised of certain rights if at any time the officer's inquiry can be considered as accusatory under the following conditions:
  - 1. When the subject is in custody;
  - 2. When an investigative detention results in further evidence of criminal activity on the part of the individual, coming to light, such that causes an extension of the detention;
  - 3. When questions will be asked in an attempt to solicit guilt or a confession.
- C. The advisement and waiver of certain rights may be recorded on an Advise of Rights form which will be signed by the officer and included with all pertinent reports.
- D. If the suspect requests that questioning cease, the officer shall respect the individual's wishes and discontinue questioning.

**X. SEARCH INCIDENT TO ARREST**

Once a person has been lawfully arrested, or otherwise taken into lawful custody, a search without a warrant will be conducted of the arrested person to ensure he/she is not armed with a weapon. The search will be limited to the person's clothing and personal items in their possession when the person is taken into custody.

- A. Vehicles will not be searched incident to an occupant or driver's arrest unless the vehicle is otherwise subject to search by means of consent, vehicle inventory, exigent circumstances requiring swift action by an officer, or subject to a search warrant. The same policy will apply to persons arrested on residential property. The policy does not apply to persons arrested in a public place where no expectation of privacy exists.
- B. When practical, an officer of the same sex will conduct the search of the arrested person.

**XI. BOND REVOCATIONS**

- A. The Hobbs Police Department does not do stand by's for any bondsman or other citizens while they take an individual into custody for purposes of bond revocation.

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- B. This Department does not assist in locating or detaining an individual for bond revocation purposes. However, those who have signed a bond for an individual may bring that individual to the police department and surrender that person to our custody only when they have the following paperwork:
  - 1. A certified copy of the original release order
  - 2. A certified copy of the original bail bond
- C. The person surrendering the individual must be the person that signed the bond or an authorized representative of a bonding company. Once the individual is surrendered into our custody, the booking officer will be required to sign a Certificate of Surrender for the person to take back to the court to be released from the bond.
- D. Only prisoners charged through Hobbs Municipal Court will be accepted.
- E. Magistrate prisoners must be delivered directly to the Sheriff's Department. The only exception to this would be if there is currently an outstanding arrest warrant for the individual. Under these circumstances, the individual may be taken into custody and charged with the warrant and a Certificate of Surrender signed.
- F. In the event that a bonds person finds it necessary to surrender an individual (who was released from this facility) prior to arraignment, the only paperwork required would be the original bail bond and release order.

**XII. SUPERVISORY OVERSIGHT**

- A. *Any arrests and associated paperwork will be reviewed by the officer's immediate supervisor before the end of the officer's shift. All reports will be routed through the chain of command for review.*
- B. In all reportable cases of force being used, if an arrest is made for Resisting, Evading or Obstructing an Officer and/or Assault on a Peace Officer, supervisors will ensure the use of force is properly documented in the associated report.
- C. If, during a review of the incident, a supervisor reasonably believes there has been a possible violation of HPD policies or other inappropriate conduct relating to the arrest, they will immediately make a referral to the Bureau of Professional Standards with a copy routed through the chain of command.
- D. On a quarterly, cumulative basis the Administrative Staff will review and analyze arrest information to detect any trends and/or charging practices.

**XIII. ARREST OF FOREIGN NATIONALS**

No person, regardless of immigration status, shall be detained unless there is reasonable suspicion of criminal activity. An officer shall not stop or detain a person solely on the grounds he or she may be a foreign national.

An exception that justifies detention of an undocumented illegal alien occurs when there is a NCIC hit or the officer has knowledge of a previously deported felony. This is a federal criminal violation. The officer shall confirm the status of the NCIC hit with United States Immigration & Customs Enforcement (ICE).

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The following steps will be taken when a foreign national is arrested.

- A. The Detention Officer shall determine the foreign national's country. This is normally the country on whose passport or other travel documents the foreign national travels.
- B. If the foreign national's country is on the list of mandatory notification countries (this list is posted in the jail booking area) then the arresting officer will:
  - 1. Notify that country's nearest consular officials, without delay, of the arrest. This notification will be made by utilizing the Consular Notification Form and faxing this form to the appropriate Consul.
  - 2. Tell the foreign national that you are making this notification. This statement will be made by reading the block. When Consular Notification is Mandatory from the suggested statements form posted in the jail.
  - 3. Keep a written record of the provision of notification and actions taken. The original of the Consular Notification Form will be attached to the arrest report.
- C. If the foreign national country is **not** on the mandatory notification countries list then the following procedure will be followed:
  - 1. The officer will offer, without delay, to notify the foreign national's consular officials of the arrest. This statement will be made by reading the block. When Consular Notification is at the Foreign National's Option from the suggested statements form. If the foreign national does not wish to have his consul notified, this will be documented in the arrest report narrative section.
  - 2. If the foreign national asks that consular notification be given, then the Consular Notification Form will be utilized and faxed to the appropriate Consul. The original of the Consular Notification Form will be attached to the arrest report.
- D. Consular Officials will be allowed access to foreign nationals in Department custody during normal visiting hours, or at anytime with the approval of the Chief.
- E. Consular Officials will be notified when a foreign national in Department custody has died or when guardianship/trusteeship is being considered due to in competence or age.
- F. Foreign nationals who are arrested or detained will be provided the same rights under Miranda as any other individual when appropriate.
- G. Should it become necessary to contact the U.S. State Department, the request should be addressed through the chain of command. Contact information can be accessed through dispatch.
- H. An investigation may reveal people believed to be foreign nationals are suspects in a criminal investigation. Coordinating an investigation with Homeland Security or ICE is encouraged to assist in establishing the identity of a suspect or offender.
- I. If a person has not been arrested, and an officer is aware of his or her immigration status, nothing in this policy will preclude the officer from notifying ICE of the person's immigration status.

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**SECTION 1 -- ARREST POLICY**  
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**XIV ENSURING CHILD SAFETY**

NMSA 31-1-8 is an Act requiring law enforcement to identify minor or dependent children upon an arrest; providing guidelines and a training program for ensuring child safety upon the arrest of a parent or guardian.

When a person is arrested, officers shall:

A. Inquire at the time of arrest whether the person is a parent or guardian of minor or dependent children who may be at risk as a result of the arrest. This particular question and its response must be documented.

B. If children are NOT present, the following questions are recommended to determine if an adult arrestee is responsible for minor or dependent children:

1. Are there any children in your home that depend on your care?
2. How many children, their ages and current location (s)?
3. Is there another custodial parent available?
4. Who might be available to locate the children and explain what has happened?

C. If children ARE present, the following questions are recommended:

1. Are there children you are responsible for?
2. Were the children present during the incident that prompted police involvement?
3. Have the children been intentionally or accidentally injured?

D. If the arrestee is unable or does not respond to a question about the children, the officer should consider whether to look for them. Officers should observe for physical evidence that may indicate children such as toys, clothes, baby gear, car seats, etc.

E. Officers shall determine:

1. If there is another **parent** available to take custody of the child (ren); if not;
2. Can the arrestee identify an **alternate** caregiver such as: adult relative (grandparent, aunt, uncle, etc.) fictive kin, child care provider, temporary shelter that the parent signed the child into.

F. **Prior to placing a child with an alternate caregiver**, officers must contact C.Y.F.D. Statewide Central Intake (SCI) for an abuse/neglect background check and conduct a local check. SCI contact numbers are: **397-3450 (Hobbs office)**  
**505-841-6100 (Albuquerque)**  
**1-800-797-3260 (statewide)**

Any history of sexual crimes or violence against children shall make the adult ineligible to assume custodial care.

G. Officers shall document the actions taken so far as the arrestee and their parental/guardian status on the arrest report. If an event becomes complex document the actions on the appropriate report form.



**CHAPTER 3**  
**SECTION 2 – MISDEMEANOR CITATIONS**  
**PAGE 1**

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(Eff. Date: 07/01/07)

**I. STATEMENT OF PURPOSE**

It is the policy of this Department to utilize the Misdemeanor Citation in lieu of arrest whenever applicable, thereby reducing the time consumption involved with physical arrests while still taking enforcement action. In most cases, the officer will make the decision of whether a citation will be issued or a physical arrest made for the offense.

**II. GENERAL POLICY**

- A. Misdemeanor Citations may be used for offenses which are of a minor nature. Such violations may include, but not be limited to, Shoplifting, Drinking in Public, Noises Expressly Prohibited, Criminal Trespassing, and Narcotic Violations.
- B. For any violation, the officer shall complete a records check to determine whether this is the suspect's first offense. If it is the second or subsequent offense, a physical arrest may be in order.
- C. In order for the court to have the necessary information to process the complaint, the victim and witness(es) name, DOB, address and telephone number shall be listed in the 'essential facts' section along with the property shoplifted and total dollar amount.
- D. The officer will be sure that the correct violation and ordinance or statute number is used.
- E. Complete details of the incident should be placed in the 'essential facts' section. If sufficient room is not available, a crime report should be completed.
- F. Officers may cite an individual for multiple violations on a single misdemeanor citation; However, generally no more than two violations should be cited. For three or more violations, a physical arrest is probably in order.
- G. If the individual does not appear on a misdemeanor citation and a warrant or summons is issued, the judge's secretary will attach a note to the warrant so that records personnel can notify the issuing officer of the need for a criminal complaint to be completed.
- H. If any evidence is taken, the Misdemeanor Citation number will be listed on the evidence card in place of the report number.
- I. No other paperwork is required if a Misdemeanor Citation is used.

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**SECTION 3 -- WARRANT PROCEDURES**  
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**I. STATEMENT OF PURPOSE**

The Department takes an active stance in the service of all outstanding warrants for arrest. Lea County Communications Authority is the depository for all warrants originating out of this agency and The Lea County Sheriff's Department. New Mexico State Police is the depository for warrants originating out of that district.

**II. GENERAL PROCEDURES**

- A. A computerized warrant list is available to officers 24 hours a day.
- B. Upon contact with a person who is believed to have an outstanding arrest warrant, officers and detectives will confirm that the person they're in contact with is the actual person who is wanted, prior to making an arrest. Personal identifiers and physical descriptions will be used. Personal identifiers include name, date of birth, social security number and driver's license number. If there is any question that the person in contact with members of this department is not the actual person wanted, additional investigative steps will be taken to ensure the correct person is arrested. Prior booking photos and latent fingerprints should be utilized and comparisons made in these cases to assist in identifying the person with the valid arrest warrant. Officers and detectives will be reasonably certain that the person they are arresting is the actual person with the warrant.
- C. Arrest warrants generally may be enforced between the hours of 6:00 a.m. and 10:00 p.m. unless the suspect is in a public place or the officer is at a private residence on other business.
- D. As a general rule, for officer safety, two officers shall be present at the time an arrest is made.
- E. Upon arrival at the Detention Facility, the officer will complete the necessary paperwork and provide the suspect with a copy of the warrant and criminal complaint.
- F. If the warrant is issued on a crime report filed by the Hobbs Police Department, the associated report number will be placed in the designated position on the arrest record. No other reports are required.

**III. COMMUNICATIONS RESPONSIBILITY**

The following procedures apply to local warrants and warrants entered into N.C.I.C. by other agencies.

- A. When a records check is requested by an officer, if an outstanding warrant is indicated, the officer will be advised immediately through the response "10-29, Stand-by".
- B. The police dispatcher should be notified at once and respond a backing officer, if one is not already present.
- C. The local warrant will be physically located and verified. If a warrant cannot be located, the narrative section of the warrant entry should be checked for comments that may assist in the location of the warrant.
- D. No further information should be transmitted until the original officer or the backing unit advises. If the actual warrant is not located, it is acceptable to relay the information from the computer to the officer with the information that the actual warrant has not been located.
- E. The following information will be supplied, either from the actual warrant or N.C.I.C. hit:

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1. Name
  2. DOB
  3. Social Security Number
  4. Issuing Court
  5. Warrant number
  6. Charge
  7. Bond amount
  8. Date of warrant
  9. Issuing Judge
- F. On valid local warrants the officer should be told that the warrant is signed and in hand. On N.C.I.C. hits the officers should be instructed to stand by for confirmation from the entering agency. An urgent confirmation request will be sent following N.C.I.C. standards.
- G. If our local warrant is entered N.C.I.C., a dispatcher shall complete the N.C.I.C. Removal form, which is approved by a Telecommunications Supervisor, remove the subject from N.C.I.C. This form along with the original warrant and teletypes shall be forwarded to the Records section.

**IV. N.C.I.C. HITS**

- A. When an officer checks a subject through N.C.I.C., no action will be taken until a confirmation is received by Communications.
- B. If the N.C.I.C hit originates from an agency inside the state, the following procedure will be used:
1. The arrest charge will be listed as stated on the hit or warrant with the name of the originating agency in listed parenthesis.
  2. The statute number will correspond to the charge.
  3. Any bond and court information will be retrieved from the teletype.
  4. The teletype should be attached to the arrest record.
  5. No further reports are required or necessary.
- C. If the N.C.I.C hit originates from an agency outside the state, the following procedure will be used:
1. The arrest charge will be listed as 'Fugitive from Justice' with the name of the originating state listed in parenthesis.
  2. The statute number listed shall correspond to 'Fugitive from Justice'.

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3. The court of record is Magistrate Court.
  4. The faxed copy of the shall be attached to the arrest report.
  5. A 'Fugitive from Justice' complaint shall be completed by the arresting officer.
  6. A case report shall be completed. A copy of the teletype shall be attached to the report.
- D. If the N.C.I.C. hit originates from a Federal District Court, the subject will be charged with the listed federal charge and statute number. Any information detailing the arrest should be listed in the narrative and no further reports are required. The original copy of any associated paperwork (teletype, faxed copy of warrant, etc.) shall be attached to the arrest report.

**V. OUTSIDE JURISDICTION**

If an arrest is made outside the Hobbs Police Department jurisdiction on a Hobbs Police Department warrant, Communications personnel will forward the information along with the warrant to the Records section. A notation will be made at that time in the warrant program of the Aegis system by Records Personnel. It will be Records responsibility to contact the Lea County Sheriff's Office to make arrangements for extradition.

**VI. STRIP SEARCHES**

- A. Warrants Authorizing the Search of All Persons Present at a Residence at the Time a Search Warrant is Being Executed
1. An affidavit seeking an "all persons" warrant may be submitted where the affiant has probable cause to believe that any person who would be at the residence during the search would be there for the purpose of engaging in unlawful activity. The affidavit to the court must set forth in detail the facts known to the affiant that lead him or her to the conclusion that such probable cause exists. Probable cause to believe that contraband is being used or sold in the house is not a sufficient basis, by itself, for an all persons warrant.
  2. An affidavit seeking an all persons warrant must allege the following types of facts in order to support probable cause to believe that any person who would be at the residence during the search would be there only for the purpose of engaging in unlawful activity:
    - a. information from confidential informants based on their personal observations identifying the location as a "crack house" or other type of drug activity center, i.e., a place where they have actually seen people buying and/or using drugs,
    - b. information setting forth the specific manner and physical locations in which the suspected illegal activity is being carried out at and around the place to be searched,
    - c. information attesting to the volume of activity and the constantly changing players involved,

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- d. information from surveillance data identifying the comings and goings of many different people in short periods of time and their interaction with people already on the premises who are known drug dealers,
  - e. information regarding prior police searches or activity at the same location and the results of such searches or activity.
3. Absent good cause, the approval of a supervisor must be obtained before applying for an "all persons" search warrant.

**B. Strip Searches in the Field**

- 1. Except as provided in section 2, below, strip searches shall not be conducted on persons in the field who have not been placed under arrest unless the officer has a valid search warrant that expressly and specifically authorizes a strip search of the persons identified to be strip searched.
- 2. In the absence of a search warrant authorizing a strip search (as described in section 1, above), a person who has not been placed under arrest may be strip searched only if:
  - a. the officers have first conducted a patdown and have articulable and specific reasonable suspicion to believe the person has a weapon under his or her clothing. Under such circumstances, the search must be limited to searching under or removing only that clothing necessary to retrieve the weapon, or
  - b. the officers have articulable and specific probable cause to believe the person has contraband hidden under his or her clothing which is in imminent danger of destruction if not immediately seized.
- 3. For persons lawfully arrested, the arrestee shall not be strip searched incident to the arrest unless the officer has probable cause to believe the arrestee is hiding or concealing evidence, a weapon, or contraband under his or her clothing or in a body cavity, and, unless there is imminent danger of destruction if not immediately seized, the strip search shall not take place outside the jail.
- 4. Strip searches that are authorized under the above principles shall be conducted only in the following manner:
  - a. the officer is of the same sex as the arrestee (unless there is an exigency and an officer of the same sex is not available to respond);
  - b. the officer may not have physical contact with the arrestee except contact that is reasonably necessary to search for and recover items and to control or direct the arrestee;
  - c. the search must be conducted so that the search cannot be easily observed by the public and reasonable efforts must be made to provide as much privacy as possible; and
  - d. the officer must document the search and the need to conduct the search in the

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field in the appropriate report.

**C. Reporting Requirements**

1. The officer who obtained any search warrant under which any person has been searched shall be responsible for documenting in his or her report who was searched, the name of the searching officer, the type of search conducted of each person, and the result of each such search.
2. When a strip search is conducted without a warrant, the officer who authorized the strip search and/or the case officer shall be responsible for documenting in his or her report who was searched, the grounds for the strip search, the name of the searching officer, the type of search conducted of each person, and the result of each such search.
3. Whenever a strip search has been conducted, the officer who conducts the strip search shall submit a supplemental report describing the manner in which the strip search was conducted, i.e., outer clothing removed, all clothing removed, visual body cavity search conducted, parts of the body touched.

**VII. SEARCH WARRANTS**

- A. When an officer or detective obtains a search warrant that is signed by a judge, the officer or detective shall have ten (10) days in which to serve the warrant. The officer/detective shall notify a supervisor of the warrant. If the probable cause vanishes within those ten (10) days the warrant may not be served.
- B. Upon execution of the search warrant, the officer/detective will:
  1. Fill out the return and inventory pages.
  2. When possible have the subject sign and date the inventory to acknowledge seizure of any items taken.
  3. Provide the subject named in the search warrant with a copy of the affidavit for search, a copy of the inventory, and a copy of the search warrant. When no one is at the location, the paperwork will be left in a conspicuous place.
  4. Ensure that the original warrant and a copy of the inventory is returned to the court within three (3) working days of its execution.
  5. Complete a supplemental report including the following information:
    - a. Date of receipt of the search warrant;
    - b. Date of service;
    - c. Location of service;
    - d. Name of person on whom the warrant was served;
    - e. Name of the Judge and court who issued the warrant;

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- f. Names of those persons present when the warrant was served;
- g. Items seized in the search; and
- h. Any arrests and/or pending charges.

**VIII. EXCEPTIONS TO SEARCH WARRANT**

Anytime a warrantless search is completed (regardless of any findings), an Incident Report or Field Interview card will be completed to include names and contact information for all witnesses, when possible. Any reports or F.I. cards will be reviewed by the officer's immediate supervisor within 24 hours and expeditiously through the chain of command. The Office of Professional Standards will review a copy of the reports or F.I. cards upon receipt from the Records Division.

**A. Consent Search**

1. An officer may conduct a search without a warrant and without probable cause if the person to be searched gives consent to the search.
2. A person having legal interest or common authority in the property may give consent to search a structure or vehicle.
3. Consent searches are limited in scope by the request of the officer and the permission given by the person granting the consent to search.
4. The officer may not legally search beyond the extent of the permission which has been given. The consent to search lasts only as long as the person granting the consent does not change his mind or a person with right to equal access cancels the consent.
5. The person granting the consent also may limit the area covered by the consent; i.e., giving consent to search only one room or one area.
6. Because there is a legal presumption against a waiver of a constitutional right, the officer has the burden of proving that the consent to search was made voluntarily.
7. Officers and Detectives will use a recording device to record the request for consent to search. It is highly recommended that officers and detectives offer the citizen a consent to search form to read and sign. If the individual indicates they will verbally consent to a search but will not sign the Consent to Search form, this information will be noted in the narrative section of the report or F.I.
8. If there is a question as to the validity of the consent or the scope of the search, officers should contact their supervisor.
9. All Officers and Detectives will complete an Incident Report or Field Interview card anytime a citizen submits to a consent search. The check box on the Report or Field Interview card will be marked appropriately to indicate a search. All personal identifying information will be documented. The officer will report the legal basis for the consent to search in the narrative section explaining the reasonable suspicion that gave rise for the request to search, including whether or not a Consent to Search form was offered and signed by the citizen. The officer shall contact dispatch by radio and ask that a report number be assigned to their stop/contact. The officer who performed the search

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is responsible for submitting the F.I. or Report, Consent to Search form (if applicable) and recordings of the contact into evidence under the report number assigned to the stop.

10. If the officer locates contraband during the consent search, a complete Uniform Incident report will be submitted per policy. All forms, contraband, and recordings shall be submitted into evidence as per policy. In the event an officer discovers an open container of alcohol inside a vehicle, the uniform traffic citation can act as the report. An F.I. card or an Incident Report to go along with the traffic citation can be used if needed.
11. In the event an officer encounters a complex situation that results in a request for consent to search (such as multiple occupants of a vehicle/residence or where the explanation of reasonable suspicion is complicated), submission of a complete Uniform Incident report should be strongly considered.
12. Any recordings of request for consent and the subsequent searches if consent is granted shall be placed into evidence and maintained for 60 days. If criminal charges are filed as a result of evidence seized as a result of the search, the tape will be maintained in evidence until the final disposition of the criminal case.

**B. Protective Sweeps**

1. Officers who have legally entered a residence or other place when they are conducting a lawful arrest may conduct a protective sweep or search of the interior of the premises when the officers have a reasonable belief that the area to be searched harbors an individual posing a danger to officers or others.
2. Such a search is not a full search of the premises and may extend only to a cursory inspection of those spaces where a person may be found.
3. The protective sweep may last no longer than is necessary to dispel the suspicion of danger to the officers.

**C. Stop and Frisk.**

1. Terry v. Ohio, 392 U.S. 1 (1968), gave officers the right to conduct a limited pat down of a person they have lawfully stopped when they have reason to believe that the person is armed and/or presently dangerous.
2. The key to the 'stop and frisk' situation is that the initial stop of the person must be legal and that the reason for a 'stop and frisk' is for weapons, not contraband.
3. Factors to consider include:
  - a. the subject's movements;
  - b. the reputation for being armed;
  - c. visual clues as to the presence of weapons;
  - d. the type of criminal activity in question.



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4. The pat down may include the person's outer clothing, baggage and the immediate area surrounding the person from which they may obtain a weapon when there is a reasonable fear that the area may contain a weapon.
  5. Items that feel as if they may be weapons may be removed to determine what they are.
  6. When practical, an officer of the same sex as the person will conduct a pat down.
  7. When a vehicle is lawfully stopped and an officer has a reasonable suspicion that it contains weapons which may be dangerous to the officer, a limited search of the passenger compartment for weapons is permitted.
  8. *Officers must complete a "Pat Down Incident Report" anytime a pat down is conducted. If the contact was tape recorded the tape must be retained for 15 days and may be destroyed thereafter unless a complaint has been received about the incident.*

**D. Hot Pursuit**

1. To apply this exception, an officer must have probable cause to believe that a serious crime has been committed; that the person they are pursuing committed it and that the person is in the dwelling they are entering.
2. The time period involved should be short and there should be some semblance of continued pursuit throughout the period.
3. The key question to be answered in this matter is whether police would risk losing a suspect if time were taken to obtain a warrant.
4. The scope of the search must be limited to areas where the suspect reasonably could be found.
5. If it is believed that evidence may have been placed or hidden in the residence by the suspect and it is not found during a search incident to arrest, a search warrant must be obtained before there is a further search of the residence.

**E. Plain/Open View**

1. If an officer is legally in an area or at a location, he may seize any item in plain view which is evidence of a crime, contraband or an item that otherwise is seizeable by the police. When dealing with structures or vehicles, once the plain/open view contraband or evidence is seized, no further searching can be continued without consent or a search warrant.
2. The 'two-prong test' which assists in ensuring the legality of this exception is:
  - a. the officer is legally present at the location;
  - b. the items seized must be immediately recognizable as evidence or contraband.

**F. Automobiles**

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1. Gomez v. New Mexico (1997) changed law in New Mexico when dealing with vehicle stops and searches. The Carroll rule no longer applies in vehicle searches dealing with probable cause simply based upon the fact that the locale to be searched is a vehicle. Under Gomez, if probable cause exists for the stop and search of the vehicle, a search warrant is necessary prior to a search being initiated unless other exigent circumstances exist. This will not preclude an owner or driver of a vehicle from giving consent to the search.
  2. When dealing with automobiles, a search incident to an arrest is still permissible to remove any weapons that might be used to harm officers or to aid in the arrestee's escape and to seize any evidence which might be destroyed.
- G. Crime Scene Searches
1. The U.S. Supreme Court in Thompson v Louisiana 469 U.S. 17 (1984) made it clear that there is no exception to the search warrant requirement because a place to be searched is a crime scene.
  2. It is always safer to obtain a search warrant than it is to proceed on the assumption that an unknown suspect has no reasonable expectation of privacy in the residence which contains the crime scene.
  3. As there is no reasonable expectation of privacy in public places, the scene may be searched and processed as necessary.
- H. Exigent Circumstances
1. A warrantless search is permitted when both probable cause and exigent circumstances exist.
  2. "Exigent circumstances" means an emergency situation requiring swift action to prevent imminent danger to life or serious damage to property, or to forestall the imminent escape of a suspect or destruction of evidence.
- I. Inventory Searches
1. When an officer lawfully obtains custody of a vehicle (i.e. the driver is under arrest for DWI, etc.) a search of the impounded vehicle is conducted.
  2. The purpose of the inventory search is to protect both the owner of the vehicle and the department in the event of a loss.
  3. Officers are only to inventory places where someone might logically put something.
  4. If an item is discovered that provides probable cause for a more extensive and intrusive search, a search warrant will be sought.

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**I. STATEMENT OF PURPOSE**

In all instances involving the transfer of persons in custody of the Department, there are concerns that should be kept in mind for the safety and rights of prisoners. At the same time the Department must insure that these persons do not escape and that they are not permitted to injure citizens or police personnel. This order establishes guidelines for all officers in the safe transportation of prisoners.

**II. VEHICLES**

- A. All patrol vehicles, with the exception of the Lieutenants, motorcycles and specialty vehicles are equipped for transporting prisoners.
- B. Units with cages are the primary transporting units in order to insure the safety of prisoners and officers.
- C. Vehicles used for transporting are equipped and modified in the following manner:
  - 1. Protective screen;
  - 2. Rear door release is operated from either the front compartment or from the outside of the vehicle; and
  - 3. Rear compartment window movement has been made inoperable.

**III. PHYSICAL SEARCH OF PRISONERS/VEHICLES**

- A. When making an arrest, an officer shall conduct a thorough, systematic search of the prisoner. This search is intended to uncover any weapons, contraband or other articles on the prisoner that could cause injury to the officer or facilitate an escape. The officer shall take possession of all weapons and evidence prior to placing the prisoner in the police vehicle. If practical, this search should be conducted by an officer of the same sex.
- B. In the event the prisoner is turned over to another officer for transportation or is being transported from a holding facility to court, etc., the prisoner shall be searched by the transporting officer before being placed into a unit.
- C. Each time a prisoner is to be transported, the transporting vehicle should be examined to ensure that no contraband or similar items are present. Because police vehicles are not ordinarily under constant observation, a search is made to assure that no contraband, weapon or other harmful item has been placed or left in the vehicle.

**IV. TRANSPORT OPERATIONS**

- A. Prisoners transported in a police vehicle equipped with a protective screen will be placed in the rear seat. While the transporting officer has custody of the prisoner, the officer will keep the prisoner under observation at all times.
- B. When more than three prisoners are transported for court arraignment, utilizing the transport van, at least two police department personnel will be used. *In the case of manpower shortage, the on-duty*

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*supervisor can authorize one person to transport providing there is no known flight/escape or physical assault risk.*

- C. At the discretion of the officer, under exigent circumstances, an officer may need to ride in the back seat with the prisoner. If this occurs, the officer will secure his weapons in another location. The circumstances requiring this action will be detailed in any associated paperwork.
- D. Use of restraints to secure prisoners is limited to the following department approved restraining devices:
  - 1. Double locking handcuffs
  - 2. Belly chain
  - 3. Leg restraints
  - 4. Double locking leg shackles
- E. All prisoners or persons in protective custody will be handcuffed behind their backs and remain so restrained while being transported to a detention facility. Restraining a prisoner through a procedure commonly known as 'hog-tying' shall not be utilized.
- F. Exceptions may be made for the elderly, invalids, ill or injured individuals, or other persons with physical handicaps which require the use of either modified procedures or no handcuffs.
- G. If a prisoner is transported from the detention facility to another location, the officer will employ the use of restraints. If the prisoner poses a flight risk or increased danger to the officer, the additional use of a belly chain, leg restraint or leg shackles may be utilized.
- H. Prisoners will not be allowed to contact an attorney, family members, or friends while they are being transported to the detention facility. The prisoner will be advised that unless otherwise prohibited, they will be allowed to communicate with their attorney and/or family member once they have been booked into the detention facility.
- I. If the prisoner is being transported to court, medical facility, etc. extra care should be taken in this regard to limit access to telephone, etc. Unless otherwise authorized by a supervisor, the prisoner will not be allowed to have contact with family members while there. If their attorney wishes to speak to them at court, they will be allowed.

**V. RESPONSE TO EMERGENCIES DURING TRANSFERS**

- A. Officers involved in transporting prisoners do not ordinarily respond to calls for law enforcement service. Exceptions to this policy include:
  - 1. Life threatening circumstances;
  - 2. Serious injury to any person is likely; or
  - 3. Request for emergency assistance from another officer.
- B. All other situations encountered by the transporting officer requiring police response shall be reported via police radio.

**VI. ESCAPE OF PRISONER IN TRANSPORT**

- A. Should a prisoner escape during transport, the transporting officer shall:
  - 1. Immediately notify dispatch and supervisor of the escape and request assistance in the search and apprehension of the escapee.
  - 2. Notify the appropriate law enforcement agencies for assistance if the escape takes place outside the city limits of Hobbs. The officer shall cooperate with local authorities in completing any necessary reports.
- B. The transporting officer shall submit a complete report on the escape as soon as practical. If the escape occurred outside our jurisdiction, a memo will be submitted detailing the incident through the chain-of-command.
- C. If the prisoner is recaptured within a reasonable time period, the prisoner may additionally be charged with any applicable crimes. If the prisoner is recaptured outside a reasonable time period, they are still considered under arrest on the original charge. Any additional charges may be sought through the issuance of a warrant.
- D. If the prisoner is not recaptured, the officer shall prepare the necessary paperwork to obtain a warrant.

**VII. SPECIAL TRANSPORT SITUATIONS**

- A. Transporting prisoners of opposite sex

When it is necessary for an officer to transport a prisoner of the opposite sex, the officer will notify the dispatcher of the location, beginning mileage, and destination. Upon arrival at the destination, the officer will notify the dispatcher of the ending mileage and location.

- B. Transporting prisoners with handicaps

- 1. Due care should be taken when transporting handicapped individuals. Careful evaluation and discretion must be utilized by officers in determining when exceptions to restraints should apply. The nature of an individual's illness, injury, or physical handicap must be weighed against the threat the individual poses to the officer or citizens. Partial restraint is preferable to no restraint at all. It should not be automatically assumed that a handicapped prisoner poses no flight risk or danger to the officer

- 2. Consideration should be given to see that necessary handicap aids (i.e., crutches, wheelchairs, etc.) as well as prescription medicines are transported and made available to the prisoner at the appropriate time. These items must be turned over to the detention facility staff.

- C. Transporting sick/injured prisoners

- 1. If a subject has been injured prior to being arrested (i.e., bar fight, etc.) or while the arrest is being effected and has any visibly obvious injuries which require medical attention (more than first aid), they will not be accepted into the Hobbs Detention Facility and should first be transported to a medical facility for treatment. This transportation will be done in a police

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unit. If the prisoner refuses medical treatment, he will not be transported, and the details will be documented in the associated reports of the incident.

2. If a prisoner needs to be transported to a medical facility for a non-emergency complaint, the prisoner will be transported in a police unit.
3. If a prisoner needs to be transported to a medical facility for an emergency complaint or is not mobile, an ambulance will respond.
4. If a prisoner is transported to a medical facility, he should remain restrained as much as possible. The use of handcuffs is recommended to discourage and inhibit movement. The prisoner should remain under constant supervision of the officer.
5. If the prisoner needs to be admitted to the medical facility, the officer will immediately notify the detention facility to make arrangements either for a release, a hold or additional security measures.

#### D. Transporting Mentally Disturbed Individuals

1. Officers may be called to transport a mental patient who presents a likelihood of causing serious harm to themselves or others, to either the Hobbs Detention Facility or LRH for evaluation and/or admission. Before transporting, officers should confirm that the necessary arrangements have been made for admission to a facility.
2. Prisoners known or suspected of being mentally disturbed should be restrained securely through the use of approved restraints.
3. The transporting officer shall be notified prior to leaving the detention facility if the prisoner poses either an escape risk, has a suicide potential or illness.

#### E. Special situations

If a prisoner is to be transported in a special situation, such as a funeral or visiting a critically ill person, special caution should be used. The prisoner should be handcuffed, while limiting contact with others. The decision to allow a prisoner this privilege will be made by the Detention Administrator and the respective judge.

- F. A supervisor shall be notified of transports of prisoners who are handicapped, injured or sick, or mentally ill. This will be required of transports both to and from the jail, and prior to the transport if at all possible.

## VIII. SECURITY UPON ARRIVAL AT DESTINATION

- A. Upon arrival at the Hobbs Police Department Detention Facility the officer will secure their weapon(s) and chemical agent in the authorized lock boxes or within the trunk of their vehicle. This includes firearms, ASP's, knives, etc. The key to the lock box or the trunk of the vehicle will be placed in a location to prevent access by the prisoner. The prisoner will then be removed from the vehicle and a persons search conducted in the sally port prior to bringing the prisoner inside. Once inside the booking area or designated cell, officers will remove the handcuffs.

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- B. If the subject is unruly and violent, he will be taken directly to a cell at which time the handcuffs will be removed. The use of any restraints at that time will comply with regulations set forth by the Hobbs Detention Facility.
- C. If the prisoner is being transported to the Lea County Detention Facility or another detention facility, the same procedures should be followed. If no designated lock boxes are available, the officers will secure their weapon(s) in the trunk of their unit.
- D. In the event a prisoner presents a security hazard to the court, the respective judge shall be notified prior to arraignment so that other arrangements or additional restraints may be utilized. If the court has available holding cells, they shall be utilized to secure the prisoner. Prior to placing a prisoner into a holding cell, it shall be inspected for contraband.
- E. If the prisoner is being transported to a medical facility, the officer will attempt to cooperate with medical personnel and hospital protocols in the examination of the prisoner; however, the officer will not compromise the security of the prisoner to the point which allows them to present a danger to the public or the officer, or creates a significant opportunity for escape. In the event a dispute arises with medical personnel involving the security of the prisoner which can not be immediately resolved, a supervisor will be notified and respond to the location.

**IX. DOCUMENTATION**

- A. Any prisoner being transported from a detention facility must be positively identified as the person who is to be moved. This should be done by checking booking records assigned to the prisoner. The prisoner should not be transported, except in case of emergency, until positive identification is confirmed.
- B. If a prisoner is being transported to a local court, the paperwork should have already been transferred. If the prisoner is being transported to a court in another jurisdiction, (Lovington, Eunice, etc.) copies of the arrest record, complaint, and related reports must accompany them.
- C. If the prisoner is being transported to another facility, copies of their arrest record, court papers and personal property should accompany them.
- D. Transfer documentation must include information that specifically alerts receiving officers to potential security problems. This information may include the prisoner's suicide or escape potential and unusual illnesses.
- E. When a prisoner is transported to another detention facility, upon arrival the transporting officer will ensure that the receiving officer acknowledges the transfer by signing in the appropriate place on the Inmate Release Form. This form will then be returned to Records where it will be placed in the file with the arrest report.

**I. STATEMENT OF PURPOSE**

All law enforcement officers are subject to unpredictable risks of exposure to various communicable diseases, therefore, general infection control procedures shall be applicable at all times. As potential exposures are unpredictable, protective measures may be used in situations which do not appear to present any risk.

**II. DEFINITIONS**

**Communicable Disease:** A disease that can be transmitted from person to person or from an infected animal or the environment to a person.

**Bloodborne Pathogen:** Any pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to HIV and Hepatitis.

**III. TRAINING**

A. The Training Lieutenant will be responsible for coordinating departmental training on communicable diseases/bloodborne pathogens. This training may be coordinated with the City Safety director and/or the Hobbs Fire Department.

B. Employees will be required to attend annual training on communicable diseases/bloodborne pathogens as mandated by OSHA and departmental requirements.

**IV. PROCEDURES**

A. Whenever the possibility for exposure to blood or blood contaminated bodily fluids exists, appropriate protection shall be worn. Law enforcement officers are issued or have access to protective gloves and breathing masks. Each incident must be examined to determine the need for additional protective measures and assistance.

B. In the event a law enforcement officer encounters a potential exposure to a communicable disease, they shall adhere to all training guidelines in that regard, including initial decontamination, in order to minimize risk to exposure.

C. Precautions should be taken, but are not limited to, regarding the following circumstances:

1. Any environment in which bodily fluids are present (death scenes, bathrooms, sewers, etc...);
2. Performing CPR;
3. Handling violent prisoners (spitting, open wounds, etc...);
4. Fights/Accident scenes (wounded combatants/drivers, prisoner riots, etc...);
5. Conducting searches (person, vehicle, residence, jail cell, etc...);
6. Clothing exchanges;
7. Transports/handling of prisoners suspected of carrying a communicable disease.



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**SECTION 5 -- COMMUNICABLE DISEASES**

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**V. EXPOSURES - REPORTING/MEDICAL TREATMENT**

- A. The City of Hobbs and departmental policies for *on-the-job injuries* and subsequent medical treatment shall be applicable at any time an employee suspects they have been exposed to a communicable disease during the course of their duties.
- B. In addition to the required *Notice of Accident* and *Incident Report* forms, the employee or their supervisor shall complete an *Exposure* form.
- C. As is the policy with on-the-job injury reports, all records pertaining to a suspected exposure shall be kept confidential.

**VI. CONTAMINATED MATERIALS DISPOSAL**

- A. Contaminated materials which are evidentiary in nature shall be disposed of as per evidentiary policies and in accordance with any legal requirements.
- B. Contaminated materials which are not evidentiary in nature (i.e. gloves, etc.) shall be disposed of by placing them in the appropriate hazardous materials receptacle at the department, or if applicable at the direction of a hazardous materials response agency.

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**SECTION 6 – WRITTEN REPORTS**  
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**I. STATEMENT OF PURPOSE**

A major role in law enforcement is the documentation of incidents that occur. The information in these reports assists in prosecution of the offender(s) as well as records maintenance and crime analysis.

**II. DEFINITIONS**

CI: A Case Report is filed when it is believed that a crime occurred or to document information.

DR: No Report

SU: A Supplemental Report is filed when more documentation is required, when additional information is reported or corrections are required to the initial report.

**III. SUBMISSION OF WRITTEN REPORTS**

A. Law Enforcement Personnel will determine if a crime or possible crime has occurred, conduct a complete and thorough investigation and complete the appropriate reports with all available information and a narrative of events and statements.

B. Reports should be completed as timely and accurate as possible and include information of all subjects involved. RMS should not be the primary source of suspect information. When information from RMS is used, it shall be stated in the narrative.

C. Reports will not be left in pending over an officers' days off; during any anticipated period of absence (leave, training, etc.); or left in pending beyond the last day of the month. All reports shall be submitted within 48 hours from the time the incident was reported to the officer. Any exceptions must be authorized by the officer's supervisor.

D. Utilization of RMS to obtain information on a suspect shall not be sufficient for obtaining a warrant or a summons on criminal charges. Independent follow-up or investigation shall be required to confirm the identity of all suspects.

E. Reports should be completed in a timely manner in accordance with Supervisory guidance. Administrative actions, inquiries, or other generally accepted confidential information regarding an incident or investigation shall not be included in a report of public record; unless directed to do so by a supervisor. If an employee is unsure about whether specific information should be included in a report, they should consult their supervisor.

F. Reports reference mental evaluation should be stamped "Confidential".

**IV. SUPERVISORY REVIEW**

A. Shift supervisors shall review and approve reports. Any incomplete reports or reports needing correction will be returned to the officer for re-submission. Supervisors shall not approve their own reports. Reports submitted by supervisors can be approved by another supervisor of equal or higher rank. Acting shift supervisors shall not approve a report filed by a ranking Sergeant. In the event a supervisor is involved in a Use of Force incident, the associated reports from the involved supervisor must be approved by a higher ranking authority.

B. Any supervisor reviewing and approving a report will ensure that all information is relevant to the investigation. Administrative actions, inquiries, or other generally accepted confidential information

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should not be included in reports of public record. If a supervisor is unsure about whether specific information should be included in a report, they should consult their chain of command.

- C. Shift supervisors will obtain a copy of their shifts activity log at the conclusion of the shift hours. That supervisor has the responsibility to ensure that the reports on the activity log are accurately reported (CI, DR, etc.). Any discrepancies in the reporting of an incident shall be rectified with Records or communications personnel at the conclusion of the shift. The shift supervisor is to ensure that all of the reports taken by officers during the shift have been completed or are in pending status. The supervisor is responsible for following up on all pending reports to ensure compliance with reporting policies.

**V. REPORT DISTRIBUTION**

After supervisory review and during records processing the following is a schedule for distribution of reports:

- A. All reports are forwarded electronically to the Crime Analyst and Accreditation Manager. A copy of all Case Reports, and AC's will be sent electronically to the media (unless marked "confidential").
  - 1. If the Case Report is a reported child abuse a copy is made for the Dept. of Children, Youth and Families. All Runaway reports are forwarded to the JPO.
  - 2. If the Case Report involves a juvenile offender an electronic copy is forwarded to the Juvenile Probation and Parole Office.
- B. Copies of AC's are forwarded to the engineering department and to the State.
- C. In addition to the information provided above, depending on the classification of the report, reports are often provided to different agencies or personnel within the police department. The records section is responsible for ensuring these reports are forwarded appropriately. Records maintain a list of the agency/individual and type of report they are to receive.

**VI. REQUIRED REPORTS**

While this list is not inclusive, the following reports have specific requirements which should be met.

- A. Burglary

In order to make the burglary reports easier to read and understand the following format should be used in the narrative:

Point of Entry: all pertinent information dealing with the point of entry;

Actions after Entry: any information about the suspect(s) actions after getting into whatever was burglarized (i.e., the suspect(s) took the T.V. from the stand in the living room, the suspect(s) ransacked the entire house, etc.);

Point of Exit: all pertinent information if exit is different than entry.

Evidence at Scene: all evidence located at the scene, whether inside or outside, and how this is believed to be evidence;

Suspects: any information leading to suspect(s) including statements made by the victim or information developed by the officer;

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Witnesses: statements made by any witnesses;

Narrative: any additional information which was not previously introduced.

**B. Unlawful Use of the Telephone**

1. Unless exceptional circumstances exist (threats, etc.), a report will not be taken on a single call.
2. Officers responding to calls where no exceptional circumstances exist and there have been less than three calls, will provide the complainant with a *telephone company Request/Authorization for Call Tracing* to log calls for three to five (3-5) days and advised to then re-contact the Department.
3. When a report is taken, the following information shall appear in the report:
  - a. How the suspect/offender might have obtained the victim's phone number;
  - b. Why the suspect/offender might be calling;
  - c. If the victim can identify the voice.
4. If the complainant has the *telephone company Request/Authorization for Call Tracing*, the officer taking the report will complete it, make a copy and attach the copy to the report.
5. The victim is given the original telephone company *Request/Authorization for Call Tracing* and should be instructed to contact the telephone company through the designated procedure located on it.
6. If the victim knows the identity of the offender a report will be filed and the victim instructed on the procedures to file a complaint through the appropriate court.

**C. Worthless Checks/Bounce Back Checks**

The following information must be included on the check in order for the Department to accept a report of a Worthless Check or a check from the Bounce Back Program:

1. The writer's name (printed on the check);
  2. The date (no post dated checks will be accepted);
  3. The writer's address (no out of state checks will be accepted);
  4. The writer's Drivers License Number.
1. Worthless Checks:
- a. A Worthless Check Crime Report form is completed by the victim. Instructions on the procedure to filing a worthless check report are included with the form. These forms are available at the Front Desk or can be provided by an officer.
  - b. The officer accepting the completed forms will determine that all information is complete and correct and that the necessary documentation is attached.
  - c. A Case number and Computer control number will be issued to the report and will be forwarded (through the proper channels) to the Criminal Investigations Division for investigation.

2. Bounce Back Checks:

The District Attorney's Officer participates in the Bounce Back program which is designed to provide merchants with restitution for the amount of the check plus banking fees. Merchants wishing to participate in this program will forward their checks directly to the District Attorney's Office. The Department will receive the checks and appropriate paperwork from the Bounce Back Program if the offender fails to meet the criteria of the program or fails to comply with all aspects of the program.

The Criminal Investigation Division will receive these checks from the Bounce Back Program and will follow the directives as described under Worthless Check.

D. Criminal Trespass

1. When a criminal trespass is reported and the suspect/offender is located, the officer will complete a Notice of Criminal Trespass Warning form. The officer should verify the authority of the person to give the warning, denote their identity on the Notice of Criminal Trespass Warning form and the specific property the person is banned from.
2. The Notice of Criminal Trespass Warning form is turned in along with associated reports and the warning is in effect for a period of 1 year. If during that time another incident occurs and the officer observes the suspect/offender at the location, and an appropriate person at the location can confirm the offender was previously warned based on personal knowledge, picture, etc., then an arrest may be made.
3. If another incident occurs after the 1 year time period, a report may be filed and the victim advised the procedure to file a complaint through the appropriate court. Another Notice of Criminal Trespass Warning form should be completed if the time period has expired, if the suspect/offender is contacted.
4. Unless exigent circumstances exist, no arrest should be made for criminal trespass unless there is documentation by an officer of a warning and appropriate witness support at the location.

E. Stolen/Embezzled Vehicles

1. When a report is taken, the officer will attempt to obtain a copy of the title or registration. A copy will be attached to the report. This requirement may be waived if the registration information can be obtained through the New Mexico MVD files.
2. The VIN number will be typed on the report to avoid the potential for confusion or mistakes.
3. An N.C.I.C. entry will be completed by the officer and attached to the report which will note an N.C.I.C. entry was completed and given to Communications personnel for entry. The report will then be given to records for processing.
4. A BOLO will be given to the local units with identifying information. The officer will complete a written BOLO for dissemination to the following shifts.

**F. Unattended Death**

1. Upon arrival at a scene where an individual has died, a non-criminal incident report will be filed if the following criterion is met:

- a. the death appears to be by natural causes; and
- b. the OMI is called.

The body of the report should indicate the following, if known: the history of physical ailments; the doctor of record; and listing of medications.

2. If the family physician signs the death certificate, a report is not necessary.
3. In either case, a Detective should be called to the scene.

**G. Hospice Death**

1. When notified of a hospice death, a detective will respond to the scene. If this is not possible, the responding officer will follow the same guidelines.
2. The detective will complete a report for "Hospice Death" after their initial investigation leads them to conclude that no foul play was involved.
3. If the detective, during their initial investigation has any suspicions that foul play may have occurred, the scene shall be processed as a normal crime scene.

**H. Gas Skips or Drive-offs**

1. When a merchant calls in a gas skip which is in progress (i.e., vehicle just leaving the scene, etc.) an officer will be dispatched. If the vehicle is located and the victim wishes to file charges, the victim will complete a gas skip form.
2. When a merchant calls in a gas skip and positive identifiers are present such as an exact license number or positive identification of one or more of the occupants of the vehicle, an officer will be dispatched to pick up the completed gas skip report form.
3. If the offense is not in progress and there is not a positive identifier, dispatch personnel will make a CAD entry of the call and give the caller the incident number. Dispatch personnel will then give a BOLO to on duty personnel for the vehicle and suspect as described. An officer will not be assigned to the business and no report will be taken.

**I. Runaway/Missing Person**

1. A Case Report will be completed as soon as possible. In addition, due to N.C.I.C. and state reporting requirements, the following information will be obtained, if possible:
  - a. Date of birth;
  - b. Place of birth (city, county, state);
  - c. Mother's maiden name;
  - d. Name of non-custodial parent, if parents are not married;
  - e. Any other identifying information (scars, marks, tattoos, etc.).
  - f. Last known clothing description
  - g. Recent picture of missing person (photo to be returned once scanned.)

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2. In accordance with the New Mexico Missing Child Reporting act, [Section 32A-14-2, NMSA], the police department will notify the State Registrar, within 24 hours of a reported missing child (by facsimile). The police department shall make a written notification, via mail, within three days of the initial notification. A cancellation form is also required once a child has been recovered. This notification will be the responsibility of the assigned day shift officer and their supervisor. These forms have been provided by the State Registrar.
3. In accordance with N.C.I.C. regulations, the police department will make an attempt to obtain medical, optical, and dental information from the runaway/missing person=s physicians. If a runaway/missing person has not been located or returned within two weeks of the initial report date, the assigned day shift officer will be responsible for providing the appropriate medical release forms to the parents/guardians and document these actions in a supplement. It will be the parents/guardians responsibility to provide these forms to the necessary physicians, obtain all pertinent medical records, and provide those records to the police department. Any officer receiving these records will complete a supplement and forward the information to dispatch to be entered into N.C.I.C.
4. The missing person entry shall be completed within two (2) hours from time reported.
  - a. The entry paperwork provided to dispatch by the reporting officer should include:
    1. N.C.I.C. entry form
    2. Copy of approved report
    3. State Registrar Birth Certification Flag Form
    4. New Mexico Department of Public Safety Missing Person Clearinghouse Report form or a New Mexico Endangered Person Advisory Report Form
    5. Recent photo of missing person
  - b. Communications shall:
    1. Enter missing person/runaway into N.C.I.C.
    2. Create Global Subject Entry in RMS Records if one doesn't exist
    3. Add missing person alert to Global Subject
    4. Scan a recent photo of missing person and import into Global Subject (photo is to be returned to reporting officer).
    5. Fax and then mail State Registrar Birth Certification Flag Form (retain copy of form).
    6. Fax New Mexico Department of Public Safety Missing Person Clearinghouse Report
5. A BOLO will be given to the local units with identifying information. The Emergency Communications Specialist will document the BOLO information in the CAD Call for Service. A copy of the Call for Service is to be placed on the BOLO Board.
6. Runaway/Missing Person reports are delegated to a patrol officer assigned to the Day Shift for follow-up investigation. A log is kept on the status of each report.
7. Anytime there is new information concerning the missing person/runaway a supplement will be completed.
8. If a missing person/runaway is reported to have been found, an officer will be dispatched to

9. speak to the missing person/runaway to verify the location. If the missing person/runaway cannot be contacted in person, the on-duty supervisor will make the decision whether the case will be closed.

9. When a missing person/runaway is located the officer will complete a supplement. The officer will notify Communications that the subject has been located. The E.C.S. will complete a N.C.I.C removal form and the State Registrar's cancellation form. On the original New Mexico Department of Public Safety Missing Person Clearinghouse Report form or New Mexico Endangered Person Advisory Report form, Dispatch will write the word "located" and date of location will be written in the upper left hand corner of the form. The form will then be faxed to the Department of Public Safety Missing Persons Information Clearinghouse Law Enforcement Records Bureau.

**J. Use of Force**

Officers are required to complete a Use of Force report as described in the Use of Force Policy reporting procedures Chapter 2 Section 21.

**K. Hate or Bias Crimes**

A Hate or Bias crime is described as a criminal offense committed against a person or property that is motivated in whole or in part by the offender's bias against a race, religion, ethnic/national origin, gender, disability, or sexual orientation group: also known as 'bias crime'. If it is determined that a hate crime exists, the following procedures will apply:

- a. Evaluate the situation and take the necessary action dictated by the circumstances.
- b. The patrol supervisor should be notified of this crime.
- c. Request that a member of Criminal Investigations respond to the scene for further investigation and follow up.
- d. Ensure the appropriate code is placed in the box on the crime report.
- e. Ensure the shift Lieutenant and Deputy Chief are notified of this type of crime.
- f. All Hate or Bias crime reported to the Hobbs Police Department will be forwarded to the FBI by the records division.

**VII. SEIZED PROPERTY**

Anytime an officer seizes property for any reason, a written report must be completed.

**VIII. WARRANTS**

**A. When an investigation leads to the issuance of a warrant the following procedure will be followed:**

1. An N.C.I.C entry form will be completed by the investigating officer and submitted along with the warrant to records for processing.
2. The issuance of a warrant along with the N.C.I.C entry request will be documented in a supplemental report.



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3. Records personnel will enter the warrant into the RMS system and then forward the warrant and entry form to Communications.
  4. All warrants are entered into N.C.I.C. by dispatch personnel. They are also responsible for sending a teletype according to extradition standards. All action should be noted in the RMS system.
  5. Warrants are then maintained in the Communications Center.
- B. Records personnel are responsible for processing those warrants which are received directly from the court (bench warrants, etc.).

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**I. STATEMENT OF PURPOSE**

The purpose of this policy is to define departmental procedure and provide guidance to officers when handling juveniles. Law enforcement interaction with juveniles differs from that of adults. While juveniles are afforded equal protection under the law, as are adults, there are differences in how juveniles are to be handled under current New Mexico Law. When dealing with juveniles, officers will use the least coercive of reasonable alternatives. However, violations of the law are not to be ignored and any interventions by the Department shall be documented.

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. The Department does not identify any one person or position to oversee juvenile operations, therefore it is the responsibility for all agency personnel and components to participate in and support the juvenile operations.

**II. DEFINITIONS**

Child: A person under 18 years of age.

Delinquent Act: An act committed by a child which would be designated as a crime under the law if committed by an adult.

Delinquent Child: A child who has committed a delinquent act.

JPPD: Juvenile Probation and Parole Office/Officer

FINS Offenses: Those offenses which are not considered a delinquent act (i.e., truancy, runaway,).

**III. TAKING INTO CUSTODY**

**A. Delinquent Child**

If a child is taken into custody, the officer will advise the Hobbs Detention Facility that the prisoner is a juvenile. After arriving at the facility, the on-duty or on-call JPPD will be notified as soon as possible by the arresting officer. The officer will advise the dispatcher of the contact so it may be logged on the dispatch log. At that time, the JPPD will authorize either release or detention.

If the JPPD authorizes release, the appropriate paperwork will be completed.

If the JPPD authorizes the detention of the juvenile, the arresting officer will complete a 'Probable Cause Determination' which will be attached to the arrest report.

If the JPPD takes a juvenile into custody for 'Probation or Parole Violation' without a warrant, the arresting JPPD is responsible for all the paperwork, including the arrest report and parent notification. An officer may however assist the JPPD with transportation to the Hobbs Detention Facility, if requested.

The exception to this will be alcohol offenses with the exception of DWI, which will be handled as a FINS offense.

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**B. FINS Offenses**

The Hobbs Police Department will not take into custody a child who has committed a FINS offense. (The exception to this rule is out-of-state runaways.) If a child is taken into custody on a FINS charge, he will be taken to the lobby of the Hobbs Police Department instead of being taken to the Hobbs Detention Facility. All other requirements regarding detention of a juvenile will apply (refer to previous section).

**C. Detoxification**

No juvenile may be detained for detoxification only by this Department. If an officer comes into contact with a juvenile who is intoxicated and poses a danger to himself or others, every effort will be made to notify the parents or guardians and assist them in whatever reasonable means are necessary to protect the juvenile and the public.

**IV. PROTECTION OF RIGHTS**

To ensure that the constitutional rights of the child are protected, once a juvenile has been taken into custody, the following guidelines will be met.

- A.** The child will be brought to the Hobbs Detention Facility or Hobbs Police Department without delay, unless the child is in need of emergency medical treatment;

The JPPO will be contacted as soon as possible and the procedure outlined in the above section followed;

The arresting officer will complete a 'Juvenile Arrest Report';

The child will be given a copy of the 'Juvenile Advise of Rights' to read and sign. The copy will be attached to the arrest report.

If the child is being detained, a 'Probable Cause Determination' will be completed detailing the events of the crime and the reason for taking the child into custody without a warrant.

- B.** Physical forms of identification (i.e., hair, blood, urine, handwriting samples) with regard to juveniles cannot be obtained without a search warrant. No child under 13 years of age will be fingerprinted.

**V. PARENT NOTIFICATION/RELEASE**

- A.** The parents/guardians of the child will be contacted and advised the child has been taken into custody, the reason and whether they are being released or detained;

- B.** When the child is released from the Hobbs Detention Facility, whether to a parent/guardian or being transported to another detention facility, a 'Parent Notification/Juvenile Release' form will be completed.

**VI. CUSTODIAL INTERROGATION**

The guidelines of the Children's Code, 32A-1-1 to 32A-20-1, N.M.S.A. 1978, do not prohibit the officer from interviewing and taking statements from victims or witnesses of any age.

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The presence of a parent/guardian is not mandatory during the interrogation of a juvenile. However, the officer(s) will take all reasonable steps necessary to attempt to notify the parent/guardian of the action being taken against the juvenile.

The interrogation shall be limited to no more than two (2) officers being present. The questioning will be conducted over a reasonable period of time with periodic breaks.

No child will be interrogated or questioned without first being advised of his constitutional rights and a waiver is secured from the child.

Statements, confessions or admissions made by children under the age of thirteen (13) cannot be used against them.

During the course of the interrogation, the officer will explain to the juvenile the department's procedure and the role of the juvenile justice system in investigations.

**VII. MISDEMEANOR CITATIONS**

A juvenile may be cited using a Misdemeanor Citation following the listed guidelines.

1. Misdemeanor Citations may be used on the first criminal offense for the child. Because curfew offenses are considered a 'FINS offense', not a criminal offense, subsequent violations may be dealt with through a Misdemeanor Citation. Because Children's Court will not accept a Misdemeanor Citation, second and subsequent criminal offenses will require a Crime Report being filed and the child being taken into custody, if applicable.
2. The court of authority shall be listed as Juvenile Probation Office, to appear 'per summons'. If a curfew violation is being issued, the court of authority shall be listed as Municipal Court, to appear on the next available date.
3. The parents should co-sign the citation with the child.

**VIII. TRAFFIC CITATIONS**

All Municipal and Magistrate courts shall deal with traffic offenders under the age of eighteen (18) years, except as provided in the Children's Code. Should even one traffic offense fall under the jurisdiction of the Children's Court, all traffic offenses arising from the incident shall be referred to the JPO.

**IX. MEDICAL CONSENT RELEASE**

If the child is being detained and transferred to a Juvenile Detention Facility other than Lea County, the arresting officer will attempt to get the parents/guardians to sign a 'Medical Consent Form.'

**X. HANDLING JUVENILE OFFENDERS**

- A. When investigating offenses or incidents involving juvenile offenders, officers will use the most appropriate alternative.

These alternatives may include:

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1. release with no further action;
  2. issuance of misdemeanor citation;
  3. custodial arrest with referral to juvenile authorities.
- B. Based on the nature of the investigation, when an officer determines that a juvenile will not be arrested or issued a misdemeanor citation, he will be encouraged to contact the parent/guardian while at the scene with the child, in order to notify them of the investigation. This attempt or contact will be noted in the report.

**XI. RUNAWAYS/ENDANGERED CHILD**

- A. All runaway reports must be forwarded to Children, Youth and Families Department (CYFD) since they will be involved in obtaining services for the family.
- B. The Juvenile Probation and Parole Office must be notified in the event a runaway from another state is located since they are responsible for seeing that the child is returned to his home state.
- C. CYFD hotline must be called for the purpose of emergency placement of an endangered child. The dispatcher should notify the call taker that an officer needs a caseworker for an emergency placement of an endangered child.
- D. If time becomes a critical issue and it is feasible to relocate the child to the police department, have the caseworker respond to the department. In any case, the child is the responsibility of the responding officer until he has been turned over to CYFD.

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**I. STATEMENT OF PURPOSE**

The Hobbs Police Department is committed to a professional response to alarm notifications and the safety of officers and the public when responding. At the same time, the Department is committed to the reduction of false alarm notifications in order to better serve the needs of the citizens of Hobbs.

**II. GENERAL POLICY**

- A. It is incumbent upon responding officers to have a clear understanding of the Department's responsibility to the public when responding to an alarm notification. A professional response and a display of competency on the part of the officers increases public confidence in the Hobbs Police Department.
- B. Responding officers should park their vehicles in a position to avoid detection and allow approach to the area unobserved.
- C. The exterior of the building should be checked for any obvious signs of criminal activity.
- D. Communications retains a list of persons to contact in the event of alarm notifications. Responding officers need to advise Communications of any facts (criminal activity, etc.) and request they contact a representative. The representative, at his discretion, may or may not respond or advise Communications of other pertinent information.
- E. In order to track alarm notifications, upon notifying Communications of the call disposition, the officer also needs to advise the name of the representative who responded.
- F. Any violation of the policy which occurs, or abuse by the alarms users (including excessive false alarms), will be dealt with as described under Hobbs City Ordinance Chapter 8.04, Sections 010-130.

**III. COMMERCIAL INTRUSION ALARMS**

- A. All alarms will be handled as a crime in progress.
- B. If an alarm notification is received during regular business hours and communications is contacted by a business representative who indicates it is a false alarm, one officer may respond to confirm. If anything appears out of the ordinary that officer will call for another unit to respond and assist.
- C. If there are no problems and a business representative is present, the officer will obtain his name and advise dispatch of the information, so it can be logged into the CAD system.

**IV. RESIDENTIAL INTRUSION ALARMS**

- A. Response to residential intrusion/burglar alarms will be made any time the alarm notification is received and will be handled as a crime in progress.
- B. If, after the alarm notification is received, the owner or representative of the owner contacts the Department to advise it is a false alarm, only one officer may respond to confirm. Unless, the responding officer observes anything unusual, he should call for a backing officer.

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- C. If a representative is contacted that persons information will be obtained. This information, along with the disposition (owner error or malfunction), will be relayed to Communications, so the information can be logged into the CAD system.

**V. HOLD-UP ALARMS**

- A. These alarms are authorized for businesses which may be considered "high risk" locations (i.e., convenience stores, liquor establishments, firearms retailer, etc.). Response to these alarms will be made immediately and with due caution for the safety of employees of the business as well as the officers.
- B. These alarms are to be utilized for robberies or emergency situations where potential physical harm could come to the employee(s).
- C. The alarm is not authorized for use for a shoplifting, fights, or reasons other than an actual robbery.

**VI. TROUBLE ALARMS**

- A. Trouble alarms are authorized for both business and residential use and are to be used only for violent crimes occurring at the time of activation.
- B. Some liquor establishments will have both intrusion and trouble alarms and depending on the time of day, shall be handled accordingly.

**VII. CONVENIENCE STORES**

- A. Any time a robbery alarm is activated at a convenience store, officers will respond in an expedient manner and position themselves in such a manner which will allow concealed observation of all exit points.
- B. Once officers(s) are in position, one of them will have Communications contact the business telephone number and request that the employee/clerk step outside and meet the officer(s). After officer(s) have made contact with that employee and determined that everything appears okay, the officer(s) will check to ensure the premises are secure.
- C. If it is determined that the call is a crime in progress, the officers should act accordingly, but until then, common sense and appropriate police practices of caution should be followed.

**VIII. BANK ALARMS**

Bank and other commercial lending institutions may have both intrusion alarms and robbery/hold -up alarms.

- A. Alarm notifications during normal business hours will be handled as a crime in progress until otherwise notified.
  - 1. Officers will respond and cover the exits of the building in such a manner as to minimize risk of detection from the interior of the business.
  - 2. The officer(s) at the scene will advise dispatch of their location and have Communications call the bank. Communications will use the procedure for telephone contact outlined below.

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3. When a bank representative leaves the bank at the direction of Communications and goes to the officer's location, the officer will ascertain the reason for the alarm. If the office is told that no robbery is in progress, two officers will accompany the bank representative into the building to confirm the false alarm. Once the false alarm is confirmed, the officers should advise Communications and other officers at the scene.
4. Officers will obtain that employee's name and advise Communications of the information so it can be logged into the CAD system.
5. If no bank representative leaves the bank, or does so and advises of a robbery in progress, the officer will advise Communications. Communications will notify the on-duty Patrol Services Supervisor of the situation.
6. If the situation is being handled as a robbery in progress, officers at the scene will contain the building and prevent further citizen access. Further activity will be directed by staff and/or the SWAT Commander.

**B. Telephone Contact Procedures**

1. Once officers are in position at the bank alarm and request phone contact, Communications will call the bank and ask to speak to the listed person using a confidential procedure.
2. If bank personnel tell Communications that everything is okay, the employee will be told that police offices are outside and that an employee needs to exit the bank to meet with the officers.
3. The dispatcher will obtain a general description of the person who will be leaving the bank, the person's name and tell the employee the officer's location. This information will then be relayed to officers at the scene.
4. When the initial telephone contact is made with the bank and an employee does not follow the correct confidential procedures, the alarm will be considered a robbery in progress.
5. If the call to the bank resulted in a determination that something was wrong, the dispatcher will immediately advise the officers at the scene.

**C. Alarm notification after hours will be handled as an intrusion alarm.**

1. Officers will respond and cover the exits of the building.
2. Responding officers should request Communications attempt to contact a representative. If contact is made with personnel inside, the above noted procedure will be followed as if the bank is open for business. If no answer is received, the event will be handled as a regular burglar alarm and management notified to respond to the scene.

**IX. ALARM BILLING AND DATA MANAGEMENT**

The Support Services Assistant is responsible for billing and data management of alarms. The alarm billing is managed through RMS utilizing information in CAD and RMS. The call for service records involving alarm response are examined for accuracy before the bills, warning letters and permit packets are processed.



All unmatched alarms are to be matched with existing alarm permits prior to any invoicing, warning letters, or alarm permit packets being processed.

**A. Monthly Alarm Billing**

Alarm invoices are generated for the previous month's alarms by the 5<sup>th</sup> day of the month.

**B. Monthly Warning Letters**

Alarm warning letters are generated for the previous month's alarms. This is to be completed by the 5<sup>th</sup> day of the month. This provides alarm history to the alarm permit holders and encourages their assistance in reducing false alarms.

**C. Past Due Alarm Invoices**

Invoices are printed for any alarms that are still outstanding due to non-payment. This is to be completed by the 5<sup>th</sup> day of the month. If an alarm is past due for more than 90 days the documentation is then forwarded to the Chief of Police for possible revocation of alarm privileges.

**D. Non-permitted Alarms**

For non-permitted alarms an alarm packet is sent certified mail to the owner of the alarm when it is determined that an alarm permit has not been issued for a location that is within the city limits. This should be completed within two weeks of the reported alarm. A courtesy call to the owner of the alarm is made when the alarm packet is mailed letting them know of the packet and encouraging them to complete and return the application. If an alarm permit is not issued within 10 days of the certified letter date a criminal complaint is to be completed and given to a Patrol Services Lieutenant for approval.

**E. New Permits**

New permit applications are to be entered into RMS. The original application is scanned and placed in the documents section of the alarm permit jacket. A confirmation letter is sent to the owner of the alarm notifying them of their alarm permit number. New permits will be entered within 72 hours of receipt.

**F. Alarm Changes**

All changes to alarms must be in writing; this includes contact and mailing address information. If the location of the alarm changes or if the alarm has a new owner a new permit must be issued.

**G. Fees and False Alarm Monies**

All alarm monies should be receipted into the alarm receipt book. All monies are deposited to city hall. Monies received for false alarm invoices are to be marked paid in the appropriate alarm permit in RMS.

**I. STATEMENT OF PURPOSE**

It is the policy of the Hobbs Police Department to respond to calls for a civil stand-by while possessions are removed or repossessed. The officer's sole responsibility in any civil matter is to prevent problems which could develop into violence; it is not to decide ownership or right to property. The following policy is to prevent liability on the part of the officer or the Department and to give uniform guidelines to the officer.

**II. CIVIL STAND-BY**

- A. A civil standby is a situation where police officers are requested to be present when two or more parties have a lawful reason to interact, but there is a reasonable expectation that the interaction may result in violence or a breach of the peace.
- B. Officers shall not become involved in civil disputes except to preserve the peace and prevent a crime from occurring.
- C. Types of civil situations officers may be called to for the purpose of a civil standby include, but are not limited to, landlord and tenant disputes, repossessions, child custody situations, separations of co-habitants, etc.
- D. When officers are called to a location of a civil standby, without a court order, whether it is a residence, vehicle, or private property, the officer will not allow the complainant to enter the residence, vehicle or private property, without the expressed permission of the owner or party other than the complainant. If there is a dispute as to ownership of the property in question, the officer will not allow the complainant to remove that property and shall refer the parties to the courts.
- E. If, when officers arrive, only the requesting party is present and the other involved party is not likely to be present, the officers should advise the requesting party that the responsibility of the police is only to prevent trouble and since the other party is not present there is not a need for an officer. The officers should then inform the party that they should re-contact the police when the other party is present. The officer should then immediately leave the scene. In all cases, officers should take any reasonable steps necessary to prevent any type of crime from occurring.

**III. REPOSSESSIONS**

This section is written to comply with 55-9-530, NMSA 1978.

- A. Vehicles
  - 1. If there is no one at the home, the officers should not stand-by.
  - 2. If someone is home, the officer should stand-by only to prevent trouble. If a dispute occurs, the officer should advise the reposessor to leave the premises and return with a court order.
  - 3. The above applies whether the vehicle is in the street or driveway.

**B. Household Possessions**

1. If the occupant is home, the officer should stand-by only to prevent any trouble. If a dispute occurs, the officer should advise the reposessor to leave the premises and return with a court order.
2. If no one is at home, the reposessor must have a court order. The officer should not allow the reposessor to enter the dwelling.

**IV. LANDLORD-TENANT DISPUTES**

This section is written to comply with *Chapter 47 Article 8, NMSA 1978*.

District and Magistrate courts have jurisdiction over all landlord and tenant disputes. The officers called to stand-by during these disputes will inform both parties of this and refer them to the courts for settlement of the dispute.

**V. MECHANICS LIENS**

This section is written to comply with *Chapter 48 Article 2, NMSA 1978 and Chapter 48 Article 3, NMSA 1978*.

When an item has been worked on and there is a dispute over payment owed or received, the person/business performing the work may hold the item worked on until the dispute is settled. Officers should refer both parties to the courts for settlement of the dispute.

**VI. CHILD CUSTODY ENCOUNTERS**

- A. If requested by an individual to conduct a stand-by while custody of a child/ren is voluntarily exchanged between two parties, the officer will do so to maintain the peace.
- B. If a dispute over the custody of the child/ren arises, each party will be referred to their respective attorney and/or to the court of record.
- C. An officer will not remove a child/ren from the custody of one party and place them with the other, except in the following situations:
  1. The child/ren's safety is in question due to abuse or neglect. In this event, the custody of the child will be given to the Department of Children, Youth and Families for appropriate placement.
  2. The requesting party provides a certified copy of a New Mexico District Court order authorizing the officer to remove the child/ren from one party and place them with another. This order must be verified by the officer to ensure its validity. To do this, the officer will contact the District Court Clerk or issuing Judge during normal business hours. An order which cannot be verified will not be enforced. This serves to ensure the officer will not serve an order which may have been rescinded or amended.

- D. If an officer is presented with an out-of-state court order which provides for custodianship, an attempt will be made to contact the court of record to determine its validity. The court order must be domesticated by a NM court and must be an original, certified document. If the order cannot be verified, the child/ren will not be removed unless subsection C1 is met. Both parties will be referred to their respective attorney. If the order can be verified, the child/ren may be removed however, prior to filing any charges against a party (i.e., Custodial Interference); the District Attorney's office will be contacted.

**CHAPTER 3**  
**SECTION 10 – VEHICLE TOWING**  
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**I. STATEMENT OF PURPOSE**

The procedures outlined in this order are intended to guide officers in making decisions to tow vehicles.

**II. GENERAL POLICY**

Towing a vehicle may be necessary as a matter of public safety, to protect property, or to preserve evidence.

- A. The officer needs to request this assistance on the records talk group and Communications will contact and dispatch a tow truck to the scene.
- B. The towing service utilized is determined by a rotation list unless otherwise specified by the vehicle owner.
- C. The cost of this service is paid by the owner/driver and this information needs to be relayed to them at this time.
- D. At the time assistance is requested, advise Communications personnel of the location, brief description and license number and whether or not there will be a 'hold' on the vehicle.
- E. If a vehicle is towed and a hold is placed on the vehicle, said hold will be released and the vehicle returned to the owner as soon as practical, based on the circumstances.
- F. At the discretion of the supervisor, the vehicle may be driven to the police station where a completed inventory form will be attached to any associated reports. The report number will be noted in the upper right hand corner of the inventory form.
- G. Any vehicle which has been towed or moved to the police parking area will be moved to the designated storage facility as soon as possible.
- H. This policy covers vehicles being towed from public or private property.

**III. ABANDONED VEHICLES IN ROADWAY/TRAFFIC HAZARD**

- A. Abandoned vehicles will not be towed/stored unless there is some other reason for such action (ie; their placement jeopardizes public safety by significantly hindering the efficient movement of traffic). Efforts should be made to either locate the registered owner or remove the vehicle from the roadway before calling a tow truck.
- B. In the event an abandoned vehicle is towed, a completed vehicle inventory will be attached to a Non-criminal Incident report (NI). The assigned NIR number will be placed on the top right corner of the vehicle inventory form.
- C. If a vehicle is towed, efforts will be made to contact the registered owner and advise them of the situation. Any contact or attempts to contact the registered owner will be documented in the NI.

**IV. ARRESTED PERSON**

- A. When the operator of a vehicle is arrested and is the registered owner of the vehicle, the arrestee may release the vehicle to a person who is immediately available to take possession of the vehicle.

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- B. If the arrestee is not the registered owner of the vehicle, the officer will have the vehicle towed unless the registered owner is immediately available to take possession of the vehicle. The vehicle will not be released to anyone other than the registered owner or his/her designee.
- C. This decision shall be noted in the narrative of the report which is completed. Under this section, vehicles will not be towed from the owner's residence.
- D. A vehicle inventory will be completed and attached to any associated reports. If there is a Criminal Incident report completed, place the CI number on the top right corner of the inventory. If no reports are completed other than an Arrest Report, place the subject's file number on the top right corner of the inventory.

**V. ACCIDENTS**

- A. If a vehicle becomes inoperable due to an accident, or the driver/owner is hospitalized and the vehicle is unable to be removed from the roadway, a tow truck will be called.
- B. A completed vehicle inventory will be attached to the Accident Report with the ACR number being placed in the top right corner of the inventory.

**VI. RECOVERED STOLEN VEHICLES**

- A. When a stolen vehicle is recovered by this department, it shall be processed at the scene whenever practical. Vehicles towed for this reason may either be taken to the police department south side parking area or to the wrecking yard that tows the vehicle. If the vehicle was stolen locally, attempts will be made to contact the owner and have the vehicle picked up from the scene to avoid towing. This information will be documented in a report or supplement.
- B. A completed vehicle inventory will be attached to any associated reports with the report number being placed in the top right corner of the inventory.

**VII. EVIDENTIARY PURPOSES**

A vehicle belonging to a victim or suspect may be towed on authority of the primary investigating detective or officer. This will be documented in the officer/detectives report. However, the use of photographs should be utilized whenever possible and the vehicle released to the owner as soon as possible.

**VIII. VEHICLES SEIZED PENDING FORFEITURE**

When a vehicle is seized pending forfeiture due to a criminal act, the vehicle will be towed or driven to the south parking lot of the Hobbs Police Department where a thorough inventory will be done, an inventory form completed with the associated report number placed in the upper right corner and attached to associated reports. As soon as practical in the investigation, the vehicle will be taken to a secure location awaiting disposition. The officer/detective seizing the vehicle will be responsible for all documentation and follow up.

**IX. EXPIRED REGISTRATIONS**

- A. If a vehicle is driven on any highway, street, or alley in the City of Hobbs when the registration is expired by 31 or more days, the officer may seize the vehicle regardless if it is registered in New

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Mexico or any other state. The driver of the vehicle will be issued a citation for expired registration. The exception is if it is registered in any other country or if it is a commercial motor vehicle registered in another state.

- B. An inventory of the vehicle will be completed. A hold will be placed on the vehicle and the reason noted will be for "expired registration". The vehicle will be towed to the towing company yard and the owner will incur all associated towing and holding fees.
- C. The officer will advise the driver and /or owner of the vehicle of the process for removing the hold from the vehicle. The driver and /or owner will need to satisfy all associated fees, penalties, and fines imposed for the violation of law this includes the motor vehicle department penalties. The owner will then bring proof of satisfaction (current registration) to the department for review. The reviewing officer will release the hold by contacting the tow company and will sign on the original inventory sheet that hold was released.

**X. RELEASE OF HOLDS**

It will be the responsibility of the investigating officer or detective to authorize the release of a hold on a vehicle. The release of the hold will be documented in a report by the officer/detective and the same officer will be responsible for notifying the registered owner of the release. The time, date and person contacted will also be documented in the report. If the investigating officer or detective is unavailable, their immediate supervisor has the authority to release it, and will ensure the proper documentation as stated above.

**CHAPTER 3**  
**SECTION 11 -- COMMUNICATIONS**  
**PAGE 1**

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(Rev date: 06/03/14)

**I. STATEMENT OF PURPOSE**

Effective communication in the operation of the Department is a vital element of law enforcement and plays an important role in officer safety. All radio transmissions are recorded and improper radio usage is grounds for disciplinary action. It is imperative that all employees conduct themselves as professionals while utilizing the communications system. This order is intended to ensure that every step is conducted in an effective, proper and professional manner.

**II. RADIO OPERATIONS**

- A. Any radio operations conducted by members of the Department will be in accordance with Federal Communications Commission (FCC) procedures and requirements.
- B. All members of the Department with a need have a unique number assigned for radio communications and will utilize this number when calling dispatch. Units should not continue transmission until acknowledged by the dispatcher.
- C. Each member of the Department shall notify communications personnel when their status changes (ie, traffic stops, arrival at a scene, completion of assignment, etc.). The appropriate 10-code will be used unless the Incident Command System is initiated at which time plain or clear text will be utilized. Plain or clear text may be utilized during times of emergency radio traffic or multi-agency emergency event. If the need arises for extended information, the Records talk group or a telephone will be utilized.
- D. When checking out at a business, always give a street address.
- E. Officers investigating incidents who find that the location or nature of the call is different from that originally dispatched are to notify the dispatcher of the correct information.
- F. Officers should listen to make sure the frequency is clear before transmitting.
- G. Officers shall not engage in debates or argue with the dispatcher concerning an assignment. Conflicts of this nature are routed to the employees' immediate supervisor who clarifies the issue to the best of their ability.
- H. All radio transmissions by department personnel shall be professional in nature. Inappropriate comments which could bring discredit on the employee or the department are strictly prohibited.
- I. L.C.C.A. is capable of communicating on a Common talk group and relaying information to local units and vice-versa.

**III. EMERGENCY SITUATIONS**

Transmissions regarding emergency situations, pursuits, and serious crimes in progress shall be given priority over all other transmissions. Units not involved in the emergency situation shall be directed to the designated talk group until told otherwise.



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**IV. EMERGENCY MESSAGES**

- A. Messages are accepted for delivery if it is determined that the caller has exhausted all reasonable means to contact the person. The officer shall notify the dispatcher of the actions taken to deliver the message.
- B. Emergency messages may include:
  - 1. Death notification
  - 2. Serious illness or injury
  - 3. Other messages of an emergency nature
  - 4. Checking the personal welfare of citizens
  - 5. Messages from other law enforcement agencies or public agencies.
  - 6. Separated or overdue motorists

**CHAPTER 3**  
**SECTION 12 – POLICE VEHICLES**  
**PAGE 1**

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**I. STATEMENT OF PURPOSE**

The Department's vehicles are essential to an effective police operation. Carefully selected and maintained vehicles have a positive effect on police operations in general and individual officer performance in particular. Emphasis is placed on preventative maintenance, prompt mechanical repair, application of safety standards and obtaining maximum utilization of the available fleet.

**II. PATROL VEHICLES**

Each patrol unit is equipped with items to assist in routine daily occurrences. This may include, but not be limited to,

- A. a first-aid kit
- B. blanket
- C. flares/cones
- D. roll-a-tape
- E. hand tools
- F. fire extinguisher
- G. shotgun
- H. mini-14

**III. SPECIAL PURPOSE VEHICLES**

A number of vehicles are owned and operated by the Hobbs Police Department which are designated for special purposes.

**A. Canine Unit**

- 1. The Canine Unit is assigned to the Canine Officer and is equipped as follows:
  - a. The rear seat has been replaced with a platform conducive to the Canine riding;
  - b. Exterior decals denoting 'K-9';
  - c. Otherwise equipped as a standard patrol vehicle.
- 2. The use of the Canine Unit is restricted to the Canine Officer unless authorization has been received from the officer's Patrol Services Watch Commander.
- 3. Any use of the Canine Unit will be governed by other requirements in this section.

**B. Golf Cart**

- 1. The Hobbs Police Department owns and maintains a specially equipped golf cart for utilization at special events, enabling officers to move through crowds easier or provide a unique means of transportation.
  - a. The events where it may be utilized may include parades and large gatherings on city property.

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- b. The authorization for its use will be made by either the Patrol Services Watch Commander or the Captain of Support Services.
  - c. The vehicle will be picked up at its storage facility at least two days prior to its scheduled use and transported to either the police department or city garage for maintenance checks.
  - d. After its use, the vehicle will be transported back to its storage facility unless it requires some maintenance.
  - e. It will be the responsibility of the officer using the vehicle to ensure that it is prepared for use and returned to storage.
- 2. The golf cart is equipped with lights; however it is not intended for use as a traffic enforcement unit.
  - 3. No specific training is required to use the golf cart; however, it is the responsibility of the supervisor authorizing its use to ensure the employee operating it has an orientation.

**C. DWI Enforcement Trailer**

- 1. The Hobbs Police Department utilizes a one-axle trailer for DWI Enforcement.
- 2. The use of this trailer is primarily intended for the purpose of DWI Enforcement in the form of Sobriety Checkpoints.
- 3. The trailer is equipped with at least the following:
  - a. 4 sets of electrical lights;
  - b. a gasoline generator;
  - c. a kerosene heater;
  - d. electric extension cords;
  - e. reflective traffic vests;
  - f. a gasoline can;
  - g. a kerosene can;
  - h. various traffic signs, including 'stop', 'merge traffic', 'speed limit ahead', 'sobriety checkpoint ahead';
  - i. flares; and
  - j. traffic cones
- 4. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure sufficient gasoline and kerosene is available to conduct the checkpoint.
- 5. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure the readiness of any equipment for the next checkpoint.
- 6. It is the responsibility of the supervisor assigned to the Sobriety Checkpoint to ensure that all items are replaced in the trailer and it is parked in the designated position in the parking lot.
- 7. No special training is required for its use.

D. Motorcycles

1. The motorcycle is assigned to the motorcycle officer and is equipped as follows, but not limited to;
  - a. Emergency lights and siren, two-way radio, and speed measuring device;
  - b. Orange reflective safety vest;
  - c. Roll-a-tape;
  - d. Road marking materials (i.e., paint, chalk);
  - e. First Aid kit;
  - f. Traffic accident and traffic law enforcement forms.
2. The use of the motorcycle is restricted to the assigned motorcycle officer only.
  - a. Motorcycles are not to be utilized during periods of inclement weather which could endanger the safety of the officer, at the discretion of the motorcycle officer or the shift supervisor.
  - b. Motorcycles are not operated without the use of an approved, properly secured motorcycle helmet.
  - c. Motorcycles do not carry passengers nor are they used to transport prisoners.

E. Prisoner Transport Van

1. The prisoner transport vehicle is to be equipped as follows:
  - a. A protective cage is installed behind the front passenger seat ~~and second set of seats~~ to separate the transport officer from the persons being transported. A second protective cage will be installed behind the front passenger seat and will be used for transporting a disruptive prisoner. A third and fourth section will be divided in order to separate male and female prisoners.
  - b. The vehicle will be equipped with a fire extinguisher and a first aid kit.
2. Vehicle Usage
  - a. The prisoner transport vehicle will be utilized by members of the police department. A log will be maintained in the Detention Center. The vehicle will be logged out by anyone using the vehicle.
  - b. The use of the vehicle will be authorized by the on duty Detention Shift Supervisor.
  - c. Any use of this vehicle will also be governed by the requirements in this section.

F. SWAT Vehicles (APC and MRAP)

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1. The SWAT Vehicles are armored vehicles designed for close proximity deployment/engagement at potentially dangerous locations. Their purpose is to provide significant safety to SWAT members while providing transportation and storage of SWAT equipment.
  - a. The following equipment will be maintained in the Tactical Response Team Vehicles and/or the SWAT Locker Room:
    - 1.) Portable door ramming device
    - 2.) Gas, OC, any other less lethal tools
    - 3.) Surveillance equipment
    - 4.) Ballistic Blankets
    - 5.) Ammunitions
    - 6.) All other tools/equipment deemed necessary by SWAT Commander

2. Vehicle Usage

- a. These vehicles will be parked in the Hobbs Police Department parking lot when not in use.
- b. These vehicles will be used only by authorized SWAT members for training or call out situations at the direction of the SWAT Commander, Deputy Chief, or the Chief of Police.
- c. Any use of the SWAT vehicles will be governed by other requirements in this section.

G. Command Post Vehicle

1. The Command Post Vehicle is jointly used by the Hobbs Police Department and other public safety agencies throughout the county. Its purpose is to provide an adequate means for communication, shelter, and other coordination needs at locations away from headquarters when needed. It was acquired with Federal grant funds for countywide use and the following usage requirements will apply:
  - a. When not in use, it will remain parked at the Hobbs Police Department.
  - b. The agency requiring its use will generally be responsible for transportation of the vehicle to and from the Police Department, staffing, re-fueling, and clean-up following the conclusion of the incident. This may be amended based upon the event and needs at the time (assist with staffing, transport the vehicle to the location for the agency, etc.)
  - c. Radio communication problems will be addressed by Hobbs Police Department/IT personnel as it applies to the joint radio system.
  - d. All other issues not addressed will be decided by the department heads of the involved agencies.

**H. Crime Scene Trailer**

1. The purpose of the crime scene trailer is to provide a means of transporting and storing necessary tools/equipment for the processing of crime scenes. The usage of the crime scene trailer will be as follows:
  - a. Any member of CID can request the use of the trailer for the investigation of a scene.
  - b. Transport of the trailer will be done by truck with appropriate towing package.
  - c. CID members using the trailer, as well as CID supervisory staff through periodic inspection, will ensure the necessary processing equipment is available in the trailer.

**I. T-3**

1. The Hobbs Police Department owns and maintains two specially equipped T3 (3 wheeled vehicles) for utilization so officers can move through crowds easier or provide a unique means of transportation. This is a battery charged vehicle.
  - a. The events where it may be utilized may include parades and large gatherings on public and private property.
  - b. The authorization for its use will be made by the Chief of Police or his designee.
  - c. The vehicle will be stored in a building or in closed storage area.
  - d. It will be the responsibility of the officer using the vehicle to ensure that it is prepared for use and returned to storage.
2. The T3 is equipped with lights; however it is not intended for use as a traffic enforcement unit.
3. No specific training is required to use the T3; however, it is the responsibility of the supervisor authorizing its use to ensure the employee operating it has an orientation.
4. Operation of a T3 will require an approved, properly secured bicycle helmet.

**IV. OPERATION OF POLICE VEHICLES**

- A. When leaving a department vehicle parked unattended, employees shall lock the ignition and doors and retain the key on their person unless impossible or impractical because of duty requirements. The security of police equipment and confidential material in vehicles will be the responsibility of each individual officer.

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**SECTION 12 -- POLICE VEHICLES**  
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- B. Regardless of weather conditions, officers shall roll up all windows in police units at the end of their tour of duty.
- C. Anytime an employee exits a police vehicle, leaving the engine running, regardless of the location, the employee will securely set the parking brake. The only exception will be if the employee has to exit the vehicle in an emergency situation.
- D. In the event an officer moves equipment from one vehicle to another, it is his responsibility to replace the equipment or notify his supervisor of the change and reason.
- E. Only authorized personnel are permitted to operate police vehicles. Authorized personnel consist of police department employees and maintenance personnel while making necessary tests and repairs.

**V. USE OF SEAT BELTS**

While operating a police vehicle, members of this department will use the installed seat belts. Circumstances may, however, occur in which officer safety issues may outweigh the use of the seat belt (ie, removing the seat belt just prior to arriving at the scene of an emergency call).

**VI. INSPECTIONS**

- A. Patrol Services officers will complete a vehicle mileage/inspection sheet during each tour of duty. It is the officer's responsibility to check the vehicle's equipment and fluid levels and for any damage or operating defects to that assigned unit prior to starting the tour of duty. If any equipment is found to be missing from, or any damage to, the unit, the officer shall report same to their supervisor as soon as practical. The last officer indicating that equipment was present or the unit was in good condition may be held responsible for said equipment or damage.
- B. Officers should fuel and check fluid levels in their assigned unit prior to shift change, whether or not the unit will be utilized on the next shift.
- C. Officers will be responsible for inspecting the interior of their assigned patrol units for contraband and weapons during the course of their shift. The vehicle will be inspected as follows:
  - 1. Upon receipt of the unit prior to starting the shift;
  - 2. Immediately after transporting person(s) or prisoner(s); and
  - 3. Prior to turning in the unit at the end of the shift.
- D. Any contraband or weapon(s) found during the inspection prior to starting the shift will be reported to the inspecting officer's supervisor as soon as possible.
- E. Patrol Services Shift Supervisors will conduct monthly inspections of vehicles utilized by their subordinates to insure the above procedures are being adhered to.

**VII. MAINTENANCE**

- A. In consideration of other officers that utilize the vehicles, each officer will be responsible for cleaning the interior of the vehicle at the end of each tour of duty (i.e., picking up trash, checking fluid levels, gas, cleaning ash tray, vacuuming, etc.)

- B. Regular maintenance is maintained on each department vehicle by the City Garage. It is the responsibility of each employee who has an assigned vehicle to insure the regular maintenance schedule is maintained by taking the vehicle to the City Garage. Employees are not to make any alterations or major adjustment to the vehicle without prior written permission from the Chief of Police.
- C. Members of this department will be restricted from:
  - 1. Making anything but minor adjustments on any vehicle;
  - 2. altering the body, general design or appearance of any vehicle;
  - 3. any equipment or addition shall require written permission of the Department;
  - 4. making any repairs or having any repairs made to the vehicle other than at the City Garage, unless emergency circumstances exist;
  - 5. using fuel, oil, lubricant, or other liquid additives in the vehicles other than those issued at, or authorized by, the City Garage.
- D. Willful acts or negligence on the part of employees in the care or operation of vehicles or failure to follow the established policies governing the use of vehicles will be cause for disciplinary action.
- E. Problems with the operation or function of the vehicle or vehicle equipment should be reported to the city garage.
  - 1. When a department vehicle is in need of service or repair, the requesting employee will complete a Vehicle Maintenance Request with detailed information describing what deficiency was observed or what service is required.
  - 2. The form will be placed on the dashboard and the vehicle taken to the City Garage.

#### VIII. VEHICLE ASSIGNMENTS

##### A. Assigned Patrol Vehicles

The Department assigns personal patrol vehicles based on availability. This policy allows for the following:

- 1. Increase the number of police vehicles available for response to urgent calls for assistance.
- 2. Increase the visibility of the police, thereby enhancing the Department's efforts to prevent crime and demonstrating the Department's ability to respond to the needs of the public.
- 3. Enhance the Department's ability to summon off-duty officers in cases of emergency and have them report directly to sites where needed.
- 4. Provide improved maintenance of vehicles by placing that responsibility on individual officers.

##### B. Fleet Patrol Vehicles



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1. Shift supervisors will be responsible for checking units in and out. Unit keys and the log book will be maintained by the Patrol Sergeants. Supervisors will insure that the log book is in the key box and the box locked.
2. Patrol Officers will be assigned vehicles to utilize during their tour of duty and on special detail assignments. Vehicles checked out for special detail assignments will be checked out (logged in log book and keys issued) through an on-duty supervisor. At the completion of the assignment, the officer will contact an on-duty supervisor to check the unit in.
3. Units not utilized during a particular shift will be parked in the designated location.

**C. Individual Vehicle Assignments**

1. The Department has established a policy of assigning take home police vehicles to the following positions:
  - a. Staff
  - b. Lieutenants
  - c. Members of the Criminal Investigation Division
  - d. K-9 Officer
  - e. Traffic Enforcement Units
  - f. School Resource Officers
  - g. Warrant Officer
  - h. Tactical Response Team Members
  - i. Patrol Services Officers (upon discretion of Shift Supervisors)
2. Officers will be responsible for the appearance and cleanliness of vehicle, both interior and exterior.
3. Officers with an assigned vehicle which is registered under a name other than the City of Hobbs are responsible to ensure that the registration is updated. The Administrative Assistant to the Captain of Investigations will complete the appropriate paperwork to renew all vehicle registrations each month and provide the officer with the updated registration.

**IX. USE OF ASSIGNED POLICE VEHICLES**

**A. On Duty Usage**

1. Assigned police vehicle may be maintained at the assigned officer's primary residence. The vehicle should be parked in a location as to minimize the possibility of damage to the vehicle, yet provide maximum visibility to the public.
2. Assigned police vehicles may be driven for any duty assignment. They may also be driven off-duty to attend court, department sponsored training, department meetings or while conducting any legitimate department business, or during off duty usage as described below.
3. In the event of a shortage of police vehicles, for on duty use, the supervisor has the discretion to obtain needed vehicles from officers who are off duty and in possession of an assigned

police vehicle. The supervisor will attempt to make arrangements with the officer(s) prior to obtaining the vehicle.

4. A police vehicle may be assigned to one officer or shared by two. In any case, a spare key shall be maintained in the key box in the event of an emergency.
5. On duty officers, unless otherwise authorized, must wear the uniform required by that duty and have all required equipment available in the vehicle.

**B. Off Duty Usage**

Officers are allowed the off duty usage of assigned units while following the below listed parameters.

1. Off duty officers must be attired in appropriate functional clothing and foot wear in the event they are required to perform official duties. They must possess a badge, department issued handgun or authorized off duty handgun, issued body armor, and their commission card on their person while operating the unit.
2. The usage of the unit will be within the five mile radius of the city limits or while traveling to and from their residence.
3. Officers are allowed to transport members of their family, while in an off duty status, and shall follow all Motor Vehicle Code requirements dealing with child restraint and seat belt usage. The assigned unit will exclude any possession, consumption or purchase of alcoholic beverages.
4. An off duty officer, operating a police vehicle, may be subject to the requirements of police service. Officers should remain cognizant of the safety of their families and should make necessary arrangements to accommodate their families prior to acting or responding in their official capacity. Officers are expected to use judgement when minor children are in their vehicles. Officers must have another adult in the vehicle, unless their minor children are reasonably able to be left alone and care for themselves.
5. Off duty officers may respond to the scene of a felony in progress when close enough to significantly enhance the department's ability to protect life and/or property, or when requested by a supervisor.
6. The off duty usage of the City of Hobbs Police Department unit is a voluntary benefit. Officers are aware that the usage of the unit does not carry monetary compensation unless the officers act in an official capacity. Employees assigned a take-home vehicle will not utilize the vehicle for personal gain and it will not be used as a resource for any privately owned business. This includes businesses owned by the employee assigned the vehicle or an independent third-party business owner. Violations of the Off-Duty usage policy may result in disciplinary action as well as revocation of off-duty vehicle use privileges.

**X. COLLISIONS INVOLVING POLICE VEHICLES**

**A. Duties of Employees**

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Any member of the department who becomes involved in a collision while operating a police vehicle is responsible for making sure the following steps are completed (unless physically incapacitated; it then becomes the duty of the first officer to arrive on the scene).

1. Notify communications of the location of the collision so the Patrol Services Shift Supervisor can be informed;
2. Check all involved parties for injuries and request appropriate medical attention, if necessary;
3. Request Communications notify the involved officer's supervisor (if other than the Patrol Services Shift Supervisor);
4. Make no statement or accusations concerning the cause of the collision or guilt of any part to anyone other than the on-duty Patrol Services Supervisor(s) or the officer conducting the investigation;
5. Make sure none of the vehicles involved are moved prior to the arrival of the investigating officer, unless public safety mandates they be moved. The supervisor or investigating officer on scene is encouraged to use discretion and allow the vehicles involved to be moved, if they are impeding the safe flow of traffic. This should only be done in the case of non-injury collisions and at those scenes when the investigation will not greatly be affected by the vehicles being displaced. If possible, photos should be taken of scene prior to moving vehicles.

**B. Duties of Patrol Services Shift Supervisor**

1. Upon notification shall confirm that a preliminary response by a Patrol Services officer is being made to protect and preserve the scene and insure treatment of the injured.
2. Notify the appropriate officer(s) to conduct the investigation.
3. As soon as practical, notify the Deputy Chief through the involved employee's chain of command.
4. Insure that the City Safety Officer and the Human Resources Director have been notified of the collision as soon as possible. The on-duty supervisor will contact the City of Hobbs Human Resources Director regardless of the time of day or severity of the collision to ascertain if the H.R. Director requests a post-collision drug/alcohol testing procedure.
5. Respond to the scene and take overall charge of the scene and investigation thereof.
6. Determine what injuries were sustained (if any) and what treatment was obtained, including that information in reports submitted to Division level.
7. Perform whatever notifications of family are required in the event of a serious injury to the involved police officer; make sure the notifications of family members of any civilians involved are made, if necessary.

8. Insure that all necessary reports, both investigative (State Crash Report), and administrative (Immediate Notice of Accident, Damage to City Property Report), are completed in a timely and correct manner. This may include charge sheets for a towing service on the police vehicle.
9. Insure copies of all associated reports are forwarded to the Chief of Police and the Captain of the involved employee(s).

**C. Post-Collision Drug/Alcohol Testing**

1. Employees will be tested as soon as practical following a vehicle collision. A collision is defined as an incident in which:
  - a. There is a fatality
  - b. The estimated damage to property is in excess of \$1000.00; or
  - c. There is an injury requiring professional medical treatment.
  - d. Reasonable Suspicion - Employees will be tested when a supervisor has reasonable suspicion to believe alcohol or drug prohibitions have been violated based upon specific, articulable, contemporaneous observations concerning the appearance, behavior, speech or body odors of the specific employee.
    - 1.) Testing is authorized only if the observations are made within a reasonable proximity to work being performed. Testing must be performed within eight hours of the observation. Testing which is not performed within the first two hours must be documented in writing stating why the test was not administered properly.
2. An employee who is subject to post-collision testing must remain available or the City may consider the employee to have refused to submit to testing. Remaining available does not restrict obtaining necessary medical attention, leaving the scene for a period of time necessary to obtain assistance in responding to the collision, or to obtain necessary emergency medical care. Remaining available is not compensable beyond regular working hours, unless activity is unduly restricted in accordance with the Fair Labor Standards Act.

**D. Investigations**

This policy applies to all Hobbs Police Department employees utilizing police vehicles. All collisions covered in this section will fall into two main categories:

- Category 1:** Collisions between a police vehicle and a non-police vehicle, civilian person, or any collision where injury results. **\*All category 1 accidents will be investigated by**

**an outside agency whenever possible. If an outside agency is not available, a Hobbs Police Department Traffic Officer or designee can conduct the investigation.**

Category 2: Collision between a police vehicle and a fixed object or another vehicle, or a collision with a civilian vehicle that would normally be handled with a minor accident form. .

1. If a Hobbs Police Department Employee is issued a citation due to their involvement in a category 1 collision, the collision will be reviewed by the Chief of Police and will be dealt with in accordance with City of Hobbs Administrative Regulation regarding safety
2. Investigation of Category 2 collisions should be assigned by the Patrol Services Shift Supervisor as appropriate.
3. In the event a supervisor is involved in a Category 2, the next highest ranking officer shall be notified for assignment of the investigation.
4. If a police vehicle is involved in a Category 2 collision with a fixed object (telephone pole, concrete parking barrier, trash bin, etc.) and there is no damage to the fixed object and only minor damage to the police vehicle-or if a police vehicle is involved in a minor collision with another vehicle where resulting damage to either vehicle is of a minor nature the following procedures should be followed:

The on-duty supervisor will be contacted immediately and all steps described will be followed (Minor Accident Form, Immediate Notice of Accident, Damage to City Property Report, administrative notifications, etc.).

**E. Enforcement Action regarding Category 1 collisions:**

1. Enforcement action will not be taken at the scene by the investigating officer except when:
  - a. a driver involved has committed an immediate arrestable offense (e.g. DWI, Reckless, Evading or Eluding, etc.) which caused or contributed to the collision; or
  - b. an arrest was being made or attempted on unrelated charges when the collision occurred.
2. In the event that Hobbs Police Department investigates a Category 1 collision, the following enforcement action will be taken. At the conclusion of the investigation, the investigating officer will assemble all reports of the investigation and forward them to the involved employees Captain and the Chief of Police for review prior to referral to the District Attorney's office. The original report's narrative will indicate that enforcement action is pending. After consultation with the District Attorney, the District Attorney's recommendation will be filed in a supplemental report to the

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**SECTION 12 – POLICE VEHICLES**  
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accident report. Any further enforcement action involving a private citizen will be based on the recommendation of the District Attorney.

3. Upon completion of the consultation with the District Attorney and completion of the supplemental reports, this information will be forwarded to the Chief of Police, for a final decision on enforcement action toward that employee. The Hobbs Police Department reserves the right to issue citations, without approval of the District Attorney, when an employee has clearly violated a traffic law. If enforcement action is recommended by the Chief of Police, the investigating officer will prepare a citation and criminal complaint for the person being charged the case will be filed in Magistrate Court. In most cases, a summons will be issued by the court. This enforcement procedure will apply only in those cases where the Hobbs Police Department has enforcement powers. Any enforcement action taken will be indicated on a supplemental report.

4. Because no citations are issued at the scene, the on-scene investigator should explain the above process to reduce the impression of favoritism.

**F. Citations for Employees Involved in Collision**

In the event an employee receives a citation or summons, he will appear in the appropriate Court and will enter a plea of 'not guilty' on his first court appearance. The member shall contact the City Attorney prior to any other plea being entered.

**G. Damaged Police Vehicles**

Any police vehicle extensively damaged will be towed or driven to the City Garage and stored at that location pending repairs. Vehicles incurring minor damage will be parked at the City Garage and not be used except in an emergency, unless otherwise specified by a supervisor.

- H. Disciplinary Action for Police Vehicle collisions will be handled in accordance with City of Hobbs Administrative Regulation regarding safety and departmental policies.**

**XI. USE OF PERSONAL VEHICLES ON POLICE ASSIGNMENTS**

- A. Only upon written approval of the Chief of Police will a personal vehicle be used on a police assignment.
- B. In such case where a personal vehicle is used without written approval, the department assumes no responsibility for the vehicle or contents within.
- C. If written approval has been granted, and during the time of vehicle utilization in a police assignment, the vehicle becomes damaged by malicious actions, or by some other case where the fault is not that of the owner and/or operator, the department will assume the cost differential between cost of damage and insurance payment, not to exceed \$500.00.

- D. In no case will the department take responsibility of reimbursement for personal items or valuables stolen from such vehicle.
- E. This section covers only the use of police personnel's personal vehicles. At no time will the department take responsibility for rented or borrowed vehicles used in police assignments.

**XII. CELLULAR TELEPHONE USAGE**

In order to increase safety for the employee who is in operation of a City owned vehicle as well as the motoring public; and in order to further promote positive public perception of police services by those in the community, the following practices will apply when utilizing a cellular phone:

- A. While driving a City vehicle, cellular telephones shall only be utilized in a hands free mode. Absent a hands free device, the vehicle operator will be required to stop at a safe location prior to utilizing the cellular phone. The purchase of any hands free mode equipment will be the responsibility of the employee. Any alterations to the vehicle necessary for the installation and/or use of a hands free device must be as inconspicuous as possible and approved by a supervisor.
- B. Unless absolutely necessary, cellular telephones shall not be used in lieu of radio communications regarding on-going or active police incidents. This is to ensure proper radio transmission documentation of incidents as well as to enhance officer safety.
- C. Any personal calls on a cellular telephone while on-duty will be limited in duration and will be conducted in a manner so as to not reasonably create negative public perception (ex. inattention or neglect of duty).

**CHAPTER 3**

**SECTION 13 -- OPERATION OF POLICE VEHICLES**

**PAGE 1**

(Rev. Date: 01/01/10)

**I. STATEMENT OF PURPOSE**

All employees of this department who utilize department vehicles shall exercise good judgment in operating them and shall not drive or use vehicles in such a manner that will cause unfavorable comment or reflect discredit upon the department.

**II. VALID NEW MEXICO DRIVERS LICENSE**

- A. All members of the Department who operate a Department vehicle shall have in their possession at all times a valid New Mexico Drivers License (or Texas Drivers' License if residing in Texas).
- B. If a member has their driving privileges revoked or suspended, they are responsible for contacting their immediate supervisor upon notification of any such action.
- C. To ensure compliance with insurance standards, each employee who operates a Department vehicle is subjected to a DMV record check periodically
- D. All sworn employees whose drivers' license has been suspended or revoked are subject to disciplinary action up to and including termination. All other employees are subject to the City of Hobbs Personnel Policies and Administrative Regulations.

**III. CODE 1 RESPONSE**

- A. When responding to a routine call, unless exigent circumstances exist, operation of the vehicle will be with no emergency lights or sirens in operation and in accordance with state statutes/city ordinances.
- B. Unless assigned, dispatched or requested to respond to a call, all patrol units will remain on routine patrol in their assigned area, Code 1 operation.
- C. Supervisors may respond to any call at any time.

**IV. CODE 2 RESPONSE**

- A. Certain conditions may exist where officers need to only utilize emergency lights, Code 2 operation.
- B. Officer may operate their vehicle Code 2:
  - 1. While conducting a funeral escort; or
  - 2. While conducting a traffic stop;
  - 3. While stopped in the street for some reason, such as investigating an accident, assisting a stalled vehicle or conducting traffic control; or
  - 4. When the officer reasonably believes that use of Code 2 is justified.



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**V. CODE 3 RESPONSE**

- A. The purpose of emergency equipment on police vehicles is to allow the vehicle to proceed through traffic at a reasonable rate of speed with a minimum risk to lives and property by warning other motorists.
- B. When driving under emergency conditions, officers of this department will conform to the rules of safe driving and maintain control of the emergency vehicle at all times.
- C. In emergency conditions, when the posted speed limit must be exceeded, officers will utilize emergency lights and siren, Code 3 operation. The posted speed limit may be exceeded within reason, keeping in mind the inherent dangers.
- D. Officers may operate their vehicle Code 3:
  - 1. upon a call for 'officer needs assistance'; or
  - 2. when human life is known to be in danger (such as an accident with injuries) and they are the first unit dispatched or the closest unit to the scene;
  - 3. Officers may respond Code 3 to high priority calls that require a timely response. Each individual officer will use their own discretion when making the decision to use a Code 3 response.
- E. Shift supervisors will be responsible for ensuring that Code 3 driving is used only when necessary and is not abused. An officer may be the subject of disciplinary action if it is determined that he failed to use reasonableness and disregarded established traffic laws.

**CHAPTER 3**  
**SECTION 14 -- PURSUIT POLICY**  
**PAGE 1**

**I. STATEMENT OF PURPOSE**

To establish guidelines for hot pursuit, requiring emergency operation of departmental vehicles.

**II. DEFINITIONS**

The following definitions apply for the purpose expressed in this policy:

**A. Hot Pursuit**

An active attempt by one or more police officers to apprehend a suspect operating a motor vehicle, while the suspect is trying to avoid capture by using high speed driving or other evasive tactics such as driving off a highway, making sudden or unexpected movements, or maintaining legal speed but willfully failing to yield to the officer's signal to stop.

**B. Serious Felony**

A felony that involves an actual or threatened attack which the officer has reasonable cause to believe could result or has resulted in death or serious bodily injury (e.g., aggravated assault, armed robbery, murder).

**C. Roadblock**

Any method, restricting, or obstruction utilized or intended for the purpose of preventing free passage of motor vehicles on a highway in order to affect the apprehension of an actual or suspected violator in a motor vehicle.

**D. Primary Pursuing Unit**

The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

**E. Tire Deflation Devices (TDD's)**

Tire Deflation Devices are devices that are placed in the path of a fleeing vehicle for the purpose of a controlled deflation of the offending vehicle's tire or tires, after running over the device. The device is designed to allow the controlled and safe escape of air from the tire(s). This device is to be deployed in an attempt to end a pursuit as soon and safely as possible.

**III. POLICY**

All emergency vehicle operations shall be conducted in strict accordance with existing statutes. Officers engaged in emergency vehicle operations shall utilize both audible (yelp mode) and visual (emergency lights) emergency warning equipment when engaged in hot pursuit.

All personnel operating departmental vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance, and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the Department of such importance that they justify the reckless disregard of the safety of innocent persons. Departmental personnel will be held strictly accountable or the consequences of their reckless disregard for the safety of others.

#### **IV. PROCEDURES**

**A. Hot pursuit is justified only when:**

1. the officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists;
2. has committed or is attempting to commit a serious felony;
3. when the necessity of immediate apprehension outweighs the level of danger created by the hot pursuit, as in the case of a serious traffic violations.

**B. Initiating/Primary Unit Responsibilities**

1. The responsibility for the decision to initiate hot pursuit rests with the individual officer. The officer initiating a pursuit shall, in all cases, notify the Communications Center as soon as reasonably possible that a pursuit is underway and provide the following information:
  - a. Police unit identification;
  - b. Location, speed and direction of travel;
  - c. vehicle description and license number;
  - d. the specific reason for the pursuit, including known laws violated;
  - e. number of occupants
  - f. traffic and weather conditions.
2. Failure to provide the above information may be cause for the field supervisor to order termination of the pursuit.
3. The initiating or primary unit shall be in field command and bears operational responsibilities for the pursuit unless relieved by a supervisor.
4. The authority of the primary unit pertains to the immediate field operation and is, at all times, subordinate to the command of the field supervisor.
5. The primary unit may maintain pursuit as long as it is safe to do so, or until directed to terminate the pursuit by a supervisor, or the suspect is stopped.
6. The decision to abandon pursuit may be the most intelligent course of action. Officers must continually question whether the seriousness of the crime justifies continuing the pursuit. A hot pursuit shall be terminated under any of the following circumstances:
  - a. If, in the opinion of the pursuing officer or the field supervisor there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
  - b. The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
  - c. The prevailing traffic, roadway and environmental conditions indicate the futility of continued hot pursuit.

- d. The pursued vehicle's location is no longer known.
- e. The pursuing officer knows or is reasonably certain, that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or a non-serious felony and the safety factors involved are obviously greater than a juvenile can cope with.
- f. The termination of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in an area to reinitiate pursuit, if the opportunity and conditions permit.

**C. Assisting Unit Responsibility**

- 1. Assistance will be coordinated by the Communications Center under the direction of the field supervisor. The field supervisor and primary unit will be advised of the identity and location of backup units who can assist.
- 2. The active pursuit will normally involve not more than two units:
  - a. the primary unit
  - b. one backup unit.
- 3. If more assistance is specifically requested, the amount will be determined by:
  - a. nature of the offense;
  - b. number of suspects;
  - c. whether the participating units have more than one officer;
  - d. other clear and articulated facts that would warrant the increased hazard.
- 4. Only the field supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not respond or parallel the pursuit on adjacent streets unless specifically authorized to do so.
- 5. The assisting unit, upon joining the pursuit, shall immediately notify the Communications Center of his identity. If the primary unit is a one-man unit, the assisting unit may assume radio communications responsibility, allowing the primary unit to devote full attention to driving.
- 6. The assisting unit will maintain a safe distance behind the primary unit, but be close enough to render backup assistance if and when required.
- 7. Assisting units shall, at all costs, avoid intersecting the path of an oncoming high-speed vehicle.
- 8. If the primary unit becomes disabled, the assisting unit will become the primary unit. The next unit to join the pursuit will be designated by the field supervisor.

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**SECTION 14 -- PURSUIT POLICY**  
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C. Communications Center Responsibilities

1. Receive and record all incoming information on the pursuit and the pursued vehicle.
2. Immediately notify the field supervisor when a pursuit is initiated.
3. Clear radio channel of any unnecessary traffic.
4. Perform relevant record and motor vehicle checks.
5. Control all radio communications during the pursuit.
6. Coordinate assistance under the direction of the field supervisor.
7. Continue to monitor the pursuit until it has been terminated.

D. Supervisor Responsibilities

1. Upon being notified of the pursuit, the field supervisor shall verify the following:
  - a. No more than the required or necessary units are involved in the pursuit
  - b. Proper radio frequency is being utilized;
  - c. Affected allied agencies are being notified.
2. The field supervisor will continue to direct the pursuit, and approve or order alternative tactics, such as the use of a roadblock, and maintain control until the pursuit is terminated. In the absence of adequate information from the primary or backup unit, the field supervisor may order termination of the pursuit.
3. As with any tactical field problem, it is not necessary that the field supervisor be physically present in order to begin coordination and assert control of the pursuit.

E. Emergency Vehicle Operation and Tactics

1. Offensive Tactics

In the course of pursuit, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming, or driving alongside the pursued vehicle while it is in motion shall be prohibited, unless such actions are specifically authorized by the field supervisor. Such actions may be approved only when the use of deadly force would be authorized. Reckless or hazardous driving maneuvers shall not be duplicated by any pursuing vehicle.

2. Caravanning

There shall be no caravanning by field units not directly involved in the immediate pursuit.

3. Passing

There shall be no attempt by officers to pass other field units involved in the pursuit unless the passing officer received specific permission from the field supervisor.

4. Spacing

All units in pursuit, whether the vehicle in front of the unit is the suspect vehicle or

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another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows, or turns.

5. Number of Police Vehicles

No more than two police vehicles will become actively involved in a pursuit, unless specifically directed otherwise by the field supervisor. Other officers should be alert to the pursuit progress and location.

6. Unmarked Police Vehicles

Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights, siren and radio communication) may engage in hot pursuit only when the fleeing vehicle presents an immediate and direct threat to life or property.

Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from active pursuit and serve in a support role.

7. Controlled Access Roadways

Officers shall not pursue suspects the wrong way on divided roadways unless specifically authorized by the field supervisor.

8. Roadblocks

- a. The use of a roadblock must be authorized by the field supervisor.
- b. Generally, a roadblock will be employed only as a last resort.
- c. The use of a roadblock must be directly associated with the seriousness of the crime for which the suspect is wanted.
- d. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop.
- e. The roadway shall not be completely blocked unless the use of deadly force would be authorized.

9. Traffic Control Devices

Extreme caution must be used whenever officers disregard traffic signs or signals, even though statutes specifically permit such conduct. Officers shall make use of all available warning devices to alert other motorists and pedestrians.

10. Deployment of Tire Deflation Devices (TDD's)

- a. All tire deflation devices (TDD) will be stored in designated vehicles.
- b. Officers who are driving units equipped with tire deflation devices (TDD) and who have received training in the deployment of these devices may proceed to a location likely to be in the path of the pursuit.
- c. Due to increased risks to persons and property, the type of vehicle being pursued must be considered prior to the deployment of the TDD. TDD's will not be used on motorcycles or all-terrain vehicles unless the use of deadly force can be justified.

- d. TDD units shall advise the supervisor and communications when they have reached the deployment site, and give its location. The TDD unit shall utilize all emergency lighting while parked waiting to deploy TTD's.
- e. The pursuing officer shall broadcast the identity of the target vehicle to the TDD unit when the pursuit approaches the deployment site and the TTD unit shall visibly confirm the target vehicle to reduce errors in deployment.
- f. All pursuing vehicles shall maintain a safe distance and proceed cautiously upon approaching and crossing the deployment site. Actions of the fleeing vehicle will be unpredictable.
- g. No officer shall deploy or attempt to deploy a TDD without first having completed Department-approved training on its use.

**F. Inter-jurisdictional Pursuits**

- 1. The Communications Center, with the approval of the field supervisor, will notify outside agencies if this Department is in pursuit in their jurisdiction. The informing person will specify that the call is either a request for assistance or merely a courtesy notification with no participation desired.
- 2. Officers shall not become involved in another agency's pursuit unless specifically authorized by the field supervisor or it is clearly demonstrated that a unit from an outside agency is unable to request assistance, or the emergency nature of the situation dictates the need for assistance. In these instances, all departmental pursuit policies are in effect.

**G. Overtaking/Pursuit of Violators**

The responsibility for the decision to overtake rests with the individual officer. In arriving at his decision he must carefully consider all factors involved, including the seriousness of the offense, the possible consequences and most importantly, the safety of the general public. In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when practical, be within a close proximity to the vehicle prior to activating the emergency lights and siren. During the course of enforcement activities, specific incidents may escalate from routine overtaking situations if the suspect attempts to evade apprehension. If this occurs, applicable pursuit policy and procedures apply.

**V. ACCIDENTS DURING PURSUITS**

- A. Generally, if an officer is involved in a traffic accident during the course of a pursuit, the officer will terminate his part in the pursuit.
- B. The field supervisor will make the determination, as to whether the pursuit be terminated or continued with the back up officer moving up to primary officer.
- C. The field supervisor will insure that the accident involving the primary unit is investigated.

**CHAPTER 3**  
**SECTION 14 -- PURSUIT POLICY**  
**PAGE 7**

(Rev. Date: 12/30/13)

**VI. PURSUITS OUTSIDE CITY LIMITS**

- A. No pursuit shall be continued outside the city limits unless authorized by the field supervisor.
- B. If an officer of this Department is in pursuit and the pursuit crosses the Texas state line, the officer will have the Communications Center notify the Texas authorities. Once the Texas authorities join the pursuit the pursuit will be handled by them. Department officers will only assist if needed, abiding by our guidelines.
- C. The Texas authorities may arrest the offender, based on probable cause supplied by the Hobbs Officer, and hold the offender for twenty-four (24) hours pending issuance of a warrant from New Mexico. Once the warrant has been issued, formal extradition proceeding can begin.
- D. Under no circumstances will a Hobbs Police Officer transport any person apprehended in Texas back across the state line without proper extradition proceedings being completed.

**VII. REPORTING REQUIREMENTS**

- A. The primary officer initiating the pursuit, or an officer assuming the pursuit, shall submit a report detailing the pursuit. Supplemental reports will be submitted by any officers involved in the pursuit.
- B. If, during the course of the pursuit, a collision occurs involving injury or death, or the use of deadly force is initiated, all involved officers will submit a memorandum to the Chief of Police through the chain of command.
- C. A review of any pursuit will be conducted by the Division Lieutenant as soon as possible. The review will be completed by analyzing all available information. The purpose of such review is to determine any additional or supplemental training needs or policy review. This review will be forwarded to the Deputy Chief and submitted to Support Services for entry into the tracking system.



**CHAPTER 3**  
**SECTION 15– MISSING PERSONS**  
**PAGE 1**

**I. STATEMENT OF PURPOSE**

The purpose of this policy is to define departmental procedure and provide guidance to officers when handling field searches for missing children, mentally or physically disabled adults, or reported abductions.

The purpose of the initial response is to gather sufficient information to determine what occurred. The accuracy of this determination or assessment is crucial, in that an actual abduction requires a prompt and detailed investigation. During this investigation nothing should be assumed and everything should be verified. A rapid and thorough investigation may also develop additional information that will indicate the matter is not an abduction.

**II. DEFINITION**

A. Missing Person means a person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that:

1. The person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law; or
2. The person voluntarily left the care and control of the custodian without the custodian's consent and without intent to return.

B. Endangered Person means a person who:

1. Is in imminent danger or causing harm to the person's self;
2. Is in imminent danger of causing harm to another;
3. Is in imminent danger of being harmed by another or who has been harmed by another; or
4. Has Alzheimer's disease.

C. AMBER Alert Criteria

1. There must be evidence of a non-family or custodial abduction of a child
2. The child must be seventeen (17) years of age or less
3. Specific information concerning the child and/or abductor should be available, and
4. The child is in imminent danger of serious bodily harm or death.

**III. FIELD SEARCHES FOR MISSING PERSONS**

Use of the Investigative Checklist for First Responders is recommended as it can provide a framework of actions, consideration, and activities that can assist in performing competent, productive, and successful missing/abducted children investigations

- A. Calls involving missing children or persons with mental disabilities or alleged abductions of any persons will be given priority.
- B. An immediate and continuing investigation will be conducted when the missing person lacks physical or mental competence or maturity to provide for their own safety and/or could be in imminent danger.

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**SECTION 15-- MISSING PERSONS**  
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(Rev. Date: 09/14/16)

- C. Ordinarily, searches will continue until the missing person is located. The decision not to start a continuing investigation or to discontinue a continuing investigation will be made by the Captain of Operations based on information learned, the absence of workable information, and the absence of some indication of harm or a criminal act against the person.
- D. The primary officer will go immediately to the scene and:
  - 1. Contact relatives and witnesses and obtain a complete physical description, including clothing, of the missing person and, if abduction is alleged, of any alleged abductor and vehicle. Witnesses should be kept at the scene and separated from each other. Other information that should be immediately obtained and documented is:
    - a. what has already been done to locate the victim
    - b. the complainant's disposition (frantic, concerned, level of emotion)
    - c. exact place victim was last seen and last person to see victim
    - d. time frame victim was last seen and when discovered missing
    - e. a current photograph of the missing person
  - 2. An exhaustive search of the immediate area should be conducted. Children have been known to hide in very unusual and small places around the home, vehicles and play areas. With all missing person searches, consideration should be given to medical problems, weather, freak accidents, etc. Subsequent immediate area searches are suggested as circumstances dictate. A larger area search may be conducted in conjunction with the immediate area search.
  - 3. Broadcast the information over the primary PD radio frequency, and as soon as possible have the victim entered into N.C.I.C. The officer will verbally request entry and provide the pertinent information for the N.C.I.C. entry. The N.C.I.C. entry can be modified with additional information as soon as the officer submits the report and written entry request form. Communications shall:
    - a. Enter missing person into N.C.I.C. including the involved vehicle information;
    - b. Create a Subject Entry in the Records Management System if the subject does not exist already;
    - c. Add a missing person alert to the subject's RMS entity;
    - d. Scan recent picture of missing person and import into RMS Subject entity;
    - e. Fax and then mail State Registrar Birth Certification Flag Form (retain copy of form);
    - f. Fax New Mexico Department of Public Safety Endangered Person Advisory Report Form or New Mexico Department of Public Safety Missing Persons Clearing House Report form.
  - 4. In coordination with the supervisor, establish a command post and request available units to respond to the command post to begin the search, and turn over command of the scene to the supervisor.
  - 5. Begin a crime scene log if applicable and remain on scene until relieved by other field personnel or until relieved by investigators.

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**SECTION 15-- MISSING PERSONS**  
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E. The on-scene supervisor will:

1. Coordinate establishment of command post with the primary officer, assume command of the scene and notify staff personnel. Critical Incident Management protocol will be utilized.
2. Formulate search plans, organize search teams, and, as necessary, request assistance of canine units and use of mobile command post and personnel of other divisions and agencies as needed. The field supervisor will also determine if roadblocks will be used and where they will be placed. The decision to establish roadblocks will be based upon the circumstances of the event.
3. Obtain updated known offender data and send officers to known offender addresses.
4. Assign an officer or detective to document all personnel on site and their assignments.
5. At the discretion of the Chief of Police the F.B.I. may be contacted for additional assistance and resources.

**IV. MEDIA AND RELEASE OF INFORMATION (AMBER ALERTS)**

- A. The Captain of Operations or his designee will immediately start the AMBER Alert Process when:
1. There must be evidence of a non-family or custodial abduction of a child
  2. The child is seventeen (17) years of age or less;
  3. Specific information concerning the child and/or abductor should be available;
  4. The child is in imminent danger of serious bodily harm or death.
- B. Upon receiving a request from a supervisor that an AMBER Alert be issued, that meets the above general guidelines, The Captain of Operations or his designee will complete an AMBER Alert Report Form available on the New Mexico DPS website at [www.dps.state.nm.us](http://www.dps.state.nm.us). This form, as well as the Amber Alert Checklist form, are also available in the forms section of the department's rules and regulations. The completed AMBER Alert Report Form is to be faxed to State Police District Three Roswell at (575) 623-3423. A phone call is to be made to the State Police District Three Roswell at (575) 622-7200 to apprise their dispatcher of the incoming fax. The NMSP dispatcher will contact the on-call State Police Public Information Officer. The State Police P.I.O. will review the AMBER Alert Report Form and will contact media stations through KKOBB Radio with appropriate information. The P.I.O. will also provide information to the New Mexico Department of Transportation to activate strategically placed overhead message boards
- C. The Captain of Operations or designee will immediately arrange for informational flyers to be completed and brought to the command post for dissemination. The flyers should include a picture of the victim and suspect if possible, and as much descriptive information about the victim and suspect as possible.
- D. The National Center for Missing and Exploited Children is automatically notified upon NCIC entry. The Captain of Operations will contact and coordinate with this agency to ensure they have all the information necessary to disseminate to other law enforcement agencies. The number to contact the Center is 1-800-843-5678.

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**SECTION 15-- MISSING PERSONS**  
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(Rev. Date: 09/14/16)

**V. COMMUNICATIONS RESPONSIBILITIES**

- A. The on-duty Emergency Communication Supervisor will assign at least one Emergency Communication Officer to the command post to operate under the direction of the command post supervisor.
- B. Any Emergency Communication Officer, or other department employee, answering a call regarding information in a pending missing or abducted case will enter the information into the CAD (computer-aided dispatch) and forward the information to commanding officer or designee.
- C. All information received shall be immediately relayed, by radio or by phone, to the on-scene supervisor at the command post if the search is still in progress, or to the Criminal Investigations Lieutenant if the search has ended.

**VI. PROCEDURES WHEN A MISSING PERSON IS LOCATED**

- A. Persons considered to be adults (18 years and older) cannot be detained unless they have committed a criminal offense, have outstanding warrants or prove to be a danger to themselves or others.
- B. If the missing person has been reported as such from another agency, contact that agency to coordinate the return of the person.
- C. Located juveniles shall be released to the appropriate parent or guardian or released to CYFD.
- D. When an AMBER Alert has been issued for the missing person and the subject is located, the State Police P.I.O. is to be informed immediately with this information.

## **CHAPTER 3**

### **SECTION 16 -- VICTIM-WITNESS ASSISTANCE**

(Rev. Date:07/16/14)

#### **PAGE 1**

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#### **I. STATEMENT OF PURPOSE**

Victims deserve support and fair treatment and since the officer may be the initial source of protection for a victim, the manner in which they are treated affects their willingness to assist in prosecution and their immediate and long-term ability to cope with crime. Because we are dependent upon the aid of victims and witnesses to hold the criminal accountable, we must ensure that they receive professional handling consistent with their important role.

#### **II. VICTIMS ASSISTANCE RESOURCES**

When victims are in need of services that are not provided by the Police Department, officers should refer them to 2-1-1 which is maintained by United Way and updated with various resources for aiding individuals.

#### **III. TRAINING**

- A. It is the responsibility of the Training Officer to ensure that newly hired employees receive training to include the specific rights of victims, as well as our response to them.
- B. Additional, on-going training shall be provided to first responders. This training may cover existing laws with annual updates and information included in the Human Resources Networking Guide.

#### **IV. VICTIM'S RIGHTS**

- A. It will be the responsibility of the assigned investigator to re-contact the victim/witnesses (as defined in the Victims of Crime Act) within 10 days to determine whether additional assistance is necessary and to schedule line-ups and interviews at the convenience of the victim/witness.
- B. It will also be the responsibility of the assigned investigator to determine whether any property taken is needed for evidentiary purposes so that it may be returned to the victim/witness as soon as practical.
- C. In the event an arrest is made in a case (as defined in the Victims of Crime Act), the assigned investigator will be responsible for contacting the victim to notify them an arrest has been made.
- D. The Hobbs Police Department realizes that a victim's willingness to cooperate may be thwarted by threats and intimidation. The Hobbs Police Department will provide appropriate assistance based on available resources to victims/witnesses whom have been threatened or intimidated, including filing of additional charges, if applicable, against the offending party.

If a member of this department becomes aware of threats or intimidation, it is their responsibility to make sure the victim/witness is made aware and appropriate staff notifications are made.

#### **V. VICTIM-WITNESS INFORMATION BROCHURE AND QUESTIONNAIRE**

- A. As part of a preliminary investigation, members of the Hobbs Police Department will provide information regarding applicable services and advising the victim on the procedure to follow if they are threatened or intimidated.
- B. Members of the Hobbs Police Department will have available for distribution to victims of any crime (not just those defined in the Victims of Crime Act) a victim assistance brochure.

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**SECTION 16 -- VICTIM-WITNESS ASSISTANCE**

**PAGE 2**

(Rev. Date: 07/16/14)

- C. This brochure, written in both English and Spanish, will have applicable telephone numbers and information on filing a complaint.
- D. On at least a quarterly basis, crime victims and reporting parties who file any type of police report will be sent a survey concerning his/her interaction with the department employee who completed the report and/or investigation. These surveys will be used to gauge the services the department is providing to the public including overall agency performance, competency of employees, officers' attitude towards the citizen, concerns regarding safety and security, and any recommendations offered by the citizen. The surveys will be reviewed by the employees' chain of command and follow up will be conducted to determine if any action or changes in department practice needs to be taken. These surveys will be cataloged and maintained by the Chief's Administrative Assistant.

**VI. CHAPLAIN TO THE DEPARTMENT**

- A. The Department has found it helpful to have trained local clergy designated as volunteer chaplains to the Department. This service is not only for members of the Department and their families, but also to be used, when appropriate, to assist employees in their duties.
- B. The Department has designed the program to provide tremendous flexibility to officers to meet the needs of victims as occasions arise and community needs change. However, the duties of the chaplain may include, but not be limited to, the following:
  - 1. Death notification;
  - 2. Serious injury to a Department employee/family member;
  - 3. Counseling;
  - 4. Consultations;
  - 5. Educational Resource.
- C. Chaplains to the Department are not commissioned, sworn officers but must be fully credentialed members of the clergy serving in a local congregation.
- D. It will be the responsibility of the officer investigating an incident to request the assistance of the chaplain when appropriate. The Communications Center will have the telephone numbers of the chaplains available. In the event one of the designated Department chaplains is unavailable, the on-call Fire Department chaplain may be utilized.
- E. The Department will provide funding for appropriate training and updating for the anticipated duties which may be provided through governmental or denominational entities. In addition, training through ride-a-longs is encouraged.
- F. The Chaplain program will be evaluated every two years, in conjunction with the analysis of victims needs and/or services which are available.

**CHAPTER 3**

**SECTION 17 – MEDIA RELATIONS/RELEASE OF INFORMATION**

**PAGE 1**

THIS IS A COPY OF THE INFORMATION MAINTAINED BY THE PUBLIC AFFAIRS SECTION OF THE HOBBS POLICE DEPARTMENT AND RELEASED IN ACCORDANCE WITH SPECIFIC RECORDS RELEASE POLICY. USE OF THIS INFORMATION MAY BE RESTRICTED OR LIMITED BY LAW AND THE HOLDER ASSUMES RESPONSIBILITY.

(Rev. Date: 08/24/06)

**I. STATEMENT OF PURPOSE**

Positive press relations are an integral part of the operation of the Hobbs Police Department. Officers and employees must maintain a good rapport with the media and deal with them in a courteous and impartial manner.

**II. PUBLIC INFORMATION OFFICER**

- A. The designated Public Information Officer for the Department is assigned by the Chief of Police.
- B. The Public Information Officer is responsible for:
  - 1. coordinating and authorizing the release of information;
  - 2. being available for on-call responses to the media;
  - 3. preparing and distributing department news releases;
  - 4. responding to requests for scheduled news conferences and interviews;
  - 5. assisting in crisis situations within the agency.
- C. In the absence of the Public Information Officer, the responsibility will fall to the Division Captain who is on duty and available.

**III. NEWS MEDIA IDENTIFICATION CARDS**

The Department issues, and reserves the right to revoke, news media identification cards. These cards are used for identification purposes only and do not constitute an unlimited pass to police-controlled sites or any privileges. The following guidelines have been established for identification cards.

- A. Applicants must be employed by a legitimate news member organization and have job responsibilities which may require interaction between their employer and the Department. ("Legitimate news member organization" include publishers, accredited news services, licensed radio and television broadcast stations or government franchised community cable television systems which originate local news programming.)
- B. Applicant must possess a valid New Mexico driver's license or a valid personal identification card issued in lieu of a drivers license by the Motor Vehicle Division of the New Mexico Transportation Department.
- C. Applicant must submit a completed application through their employer to the Public Information Officer.
- D. Upon receipt of the application, a background check will be conducted which includes N.C.I.C., state and local criminal and driving history checks, etc.
- E. The Department reserves the right to refuse to issue a media identification card based upon the background check. The applicant and employer will be notified in writing of this refusal and the reasons for such.
- F. Applicant and eligible news media organization employers agree to return to the Department the news media identification card upon termination of employment for whatever reason. If the applicant enters

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**SECTION 17 -- MEDIA RELATIONS/RELEASE OF INFORMATION**

(Rev. Date: 08/24/06)

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the employment of another eligible news media organization the full application process must be repeated through the new employer.

- G. Media identification cards do not have an expiration date however; they may be revoked at any time by the Chief of Police.
- H. A lost or stolen card must be reported, in writing, to the Hobbs Police Department immediately.
- I. Duplicate cards will be issued only if a lost or stolen report is on file.

**IV. NEWS MEDIA REQUIREMENTS AND PRIVILEGES**

- A. Members of the media may not resist, obstruct or otherwise interfere with an officer in the lawful execution of his duty. The mere presence of a member of the media, the taking of pictures or the asking of questions does not constitute interference.
- B. Officers shall not restrict the movement of members of the media, unless their actions clearly and directly interfere with police functions or investigations.
  - 1. Still photographs or film footage may be taken in or from any area which media members have been given access. Officers may restrict the use of flash, strobe or high intensity lighting when such illumination might hinder a police operation.
- C. Department personnel shall not compel prisoners to pose for photographs or film footage. However, officers are not to interfere with photographers or cameramen photographing or filming prisoners from public access areas.
- D. Members of the media are not exempt from any federal law, state law, or any local ordinance. They are dealt with in the same manner as any other violator if arrested.
- E. No member of the media shall have any property confiscated, nor be threatened with confiscation, without due process of law. This includes camera, film, notes, etc.
- F. Because most of the media maintains a police scanner and are aware of our calls, they shall be allowed to call the Communications Center and clarify certain information.
  - 1. This information is limited to the type of call and the location.
  - 2. No other information will be given out over the telephone unless a news release has been prepared and the news release is read.
  - 3. The Department will not initiate calls to the media except official news releases.
- G. Any employee who experiences difficulties in dealing with individual members of the media at the scenes of incidents or during telephone contact should report such by memorandum to the Public Information Officer or the Chief of Police.



**CHAPTER 3**

**SECTION 17 -- MEDIA RELATIONS/RELEASE OF INFORMATION**

**PAGE 3**

(Rev. Date: 08/24/06)

**V. CRIME SCENE**

The fact that a person is a member of the media does not give them special privileges when responding to, or reporting from, a crime scene.

**VI. MEDIA RELATIONS IN FIELD SITUATIONS**

- A. Supervisors at incident scenes may release information of a factual nature to the media or may refer the inquiry to the Public Information Officer or the Chief of Police. If the supervisor is unsure of the facts or the propriety of releasing information, he must refer the inquiry to the Public Information Officer or the Chief of Police.
- B. Department personnel shall extend every reasonable courtesy to news media representatives at incident scenes. Information shall be released impartially to all news media and their representatives.
- C. The supervisor in charge of the incident scene determines news media access to the crime scene based on the following considerations:
  - 1. Will the media representative be exposed to unreasonable danger?
  - 2. Will the media representative's presence interfere with the police investigation, endanger physical evidence, etc.?
  - 3. Will it violate right to privacy laws?
- D. If the supervisor decides that the media should be kept from the immediate area of the incident, the media representative is so informed. The supervisor then provides situation briefings to the media until such time as the scene is considered safe for entry by the media.
- E. Once the scene is secured and safe for media entry, and if permission is obtained from the investigator in charge of the incident scene, the supervisor may conduct an on-scene tour with the media representatives.
- F. If the police incident takes place on private property, members of the media are not allowed access except on approval of the property owner.
- G. The Public Information Officer may be called to the scene to handle news media requests at the discretion of the supervisor.

**VII. RELEASE OF INFORMATION**

- A. Departmental Operations
  - 1. Statements of policy and information regarding organizational changes or disciplinary actions shall originate from the Office of the Chief of Police.
  - 2. Employees shall not comment on rumors relating to Departmental activities.
  - 3. The following information may be released upon request:

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**SECTION 17 -- MEDIA RELATIONS/RELEASE OF INFORMATION**

(Rev. Date: 08/24/06)

**PAGE 4**

- a. The facts and circumstances of an arrest including time and place. Only factual information may be released, with no opinion or speculation. Example: At a scene of a vehicle crash, we "know" what the witnesses have told us so we say what they have told us. We don't say "it looks like such and such happened."
  - b. The suspect's name, age, residence and occupation.
  - c. The identity of the arresting and investigating officer, if it does not compromise the officer and/or a police operation.
  - d. The charges on the suspect and a brief description of the elements of the offense.
  - e. Any victim and/or witness information listed on a police incident report.
4. Employees shall not instruct a victim or complainant not to talk to the media unless special circumstances exist that would affect the prosecution of the case. The Public Information Officer shall be notified to facilitate media liaison relating to the particular incident and the special circumstances.
  5. The following information shall not be released:
    - a. Contents or existence of any statement, admission or confession.
    - b. Personal opinions regarding the suspect, evidence or any matter pertaining to an investigation.
    - c. Any statements concerning anticipated testimony or the truthfulness of witnesses.
    - d. The results of laboratory tests except official Medical Examiner's reports on cause of death or blood/breath results.
    - e. The names of victims, both civilian and officers, injured or killed until the next of kin has been notified.
    - f. Internal investigation information and inquiries into personnel investigations shall be referred to the Chief of Police and employees shall not discuss these matters with non-departmental personnel.

**VIII. MUTUAL OPERATIONS**

- A. Any request for information on incidents involving actions initiated by another agency is referred to that agency.
- B. Incidents initiated by the Department with assistance from another agency are handled under the provisions of this policy.

**IX. CHANGES IN NEWS MEDIA POLICY**

The Public Information Officer may submit a bi-annual media relations evaluation to regional media to obtain input as to the relationship between the Hobbs Police Department and the media. Bi-annual meetings may also be held to discuss upcoming media changes and allow for media input into the public information function.

**CHAPTER 3**

**SECTION 18 -- ISSUE OF UNIFORMS AND EQUIPMENT**

**PAGE 1**

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this document may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

(Rev. Date: 08/24/06)

**I. STATEMENT OF PURPOSE**

The Hobbs Police Department issues equipment and uniforms for each officer depending on their division and duties. The purchasing Agent maintains the inventory sheet for each officer.

**II. CONTROL PROVISIONS**

A. Because the Department must keep an accurate inventory of uniforms and equipment, all items are issued through the Police Supply Specialist with the following exceptions:

1. All Firearms, ammunition and shooting insignia are issued through the Range Master.
2. The City Personnel Manual is issued through the City Human Resources Office.
3. The Department ID card and the County Commission Card are issued through the Office of the Chief of Police.

B. Each employee has an inventory of Department property which is maintained by the Police Supply Specialist. When issued any department property, each employee will acknowledge receipt of such property. This acknowledgment becomes part of the inventory.

C. Upon separation of employment, regardless of the reason, any Department property which has been entrusted to the employee will be returned to the Police Supply Specialist, with the following exceptions:

1. The City Personnel Manual will be returned to the City Personnel Office.
2. Any Firearms and ammunition will be returned to the Range Master.

**III. REISSUANCE OF AGENCY PROPERTY**

A. Equipment that is turned in from a prior issuance can be reissued at the discretion of the Police Supply Specialist, with the exceptions of those items listed in paragraph II. Control Provisions. The reissuance of uniforms and other wearable items will be dependent on their wearability and appearance.

**IV. BADGE PURCHASE**

A. Permission may be granted by the Chief of Police for police/detention officers to purchase additional badges which carry the Hobbs Police Department and/or State of New Mexico logos. Permission will only be granted to those personnel who are currently employed with the Hobbs Police Department and vested with ten or more years of employment time with the department or those who have retired from the Hobbs Police Department or retired from another department after having worked three or more years for the Hobbs Police Department during their career.

B. Permission is obtained by submitting the "Badge Request Form" via the chain of command to the office of the Chief of Police. Once the request is approved, the form will be returned to the Police Supply Specialist, who will contact the employee submitting the badge request form to make arrangements for the order and payment for the badge.

## CHAPTER 3

### SECTION 19 -- WEAPONS AND DEFENSIVE EQUIPMENT

(Rev. Date: 11/08/16)

#### PAGE 1

## I. STATEMENT OF PURPOSE

The purpose of this directive is to establish policies and procedures regarding training, approved weapons and related equipment. Officers are not permitted to routinely switch back and forth between different handguns and types of handguns. During a shooting incident, it is imperative that an officer be able to instinctively operate an assigned or authorized weapon proficiently. Routinely switching weapons puts an officer at a distinct disadvantage which could be fatal.

No officer shall be permitted to carry a weapon until proper training has been received and the officer has qualified with the weapon. Each officer will be provided with a copy of the Department's Use of Force policy prior to being allowed to carry a weapon. All officers, while on duty and within their jurisdiction, must carry a department issued handgun.

## II. PRIMARY HANDGUN

A. The Department shall issue each commissioned officer an approved handgun.

B. The issued handgun will be one of the following:

1. Sig Sauer P226 (.40 caliber)
2. Sig Sauer P229 (.40 caliber)
3. Sig Sauer P232 (.380 caliber)
4. Sig Sauer P320 (.40 caliber) **ADDITION TO POLICY**

C. While in an on-duty status, all officers will be armed with the department issued handgun, carried in the department issued holster. Only magazines and pouches authorized by the department will be carried.

D. Officers may change the grips on their issued handgun so that it fits their hand better. The grips must be approved by the Range Master or his designate. **NO OTHER MODIFICATIONS ARE PERMITTED.**

E. All department issued firearms will be inspected annually by the Range Master and the Department armorer. Unsafe weapons will be removed from service until repaired.

F. All issued weapons will be recorded with the weapon type, serial number, date of issue and officer it was issued to.

## III. OFF-DUTY HANDGUN

A. Officers may carry their department issued firearm while off duty. The weapon will be loaded with department issued ammunition and must be carried concealed.

### Exceptions:

An officer shall not carry a firearm while consuming liquor, under the influence of intoxicating beverages or when going into a licensed liquor establishment.

B. Officers may carry a firearm other than their issued duty weapon, off-duty, if it meets the following guidelines:

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1. Firearms will not be larger than the duty issued weapon and can be of any caliber.
  2. Weapon will be at least a five or six shot semiautomatic or revolver.
  3. CONCEALABILITY is one of the reasons for going to a different type of off-duty weapon.
- C. Holsters, extra magazines or speed loaders are not required for qualifications or when the weapon is being carried off-duty. The weapon must be carried in a manner where it is safe, secure and concealed.
- D. Only one off-duty weapon will be authorized to be carried. Officers wanting to change weapons must re-qualify with the new weapon.
- E. All firearms will be inspected and approved by the Range Master and one firearm's instructor.

**IV. BACK-UP HANDGUN**

Officers are authorized to carry back-up firearms that meet the same guidelines as stated in Off-Duty Weapons listed above, under section B. Back-up firearms are to be used as a last resort weapon when the department issued weapon has been exhausted or is unavailable.

**V. SHOTGUNS/RIFLES**

- A. The issued shotgun is a Remington 870 and the issued rifle is a Colt AR-15. Exceptions to this are shotguns and rifles utilized by the SWAT Team.
- B. Each patrol vehicle has an assigned shotgun and rifle, which should be maintained in the proper rack until its use is necessary.
1. It is the responsibility of the officer, during the daily vehicle inspection, to remove the shotgun and rifle from the rack and ensure there are no live rounds in the chamber.
  2. It will be the responsibility of the officer leaving the unit for service to remove the shotgun and rifle and ensure they are secured.
  3. It will be the responsibility of the officer assigned that unit after service, to return the shotgun and rifle to the vehicle.
- C. Each Investigator and other officers have an assigned shotgun and/or rifle which should be maintained in a serviceable manner in the rack in their assigned unit.
- D. All shotguns and rifles shall be inspected once each year by the Range Master for safety and maintenance. The Range Master schedules this inspection.

**VI. SWAT**

- A. Members of the Special Weapons and Tactics Team (SWAT) are permitted to carry their assigned SWAT weapon(s) and equipment, as approved by the Chief of Police.
- B. These weapons are special equipment for specific use in high risk or special threat situations.
- C. The Commander of the SWAT is responsible for coordinating the training and maintenance of these weapons.

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- D. All rifles shall be inspected once each year by the Range Master for safety and maintenance. The Range Master, in coordination with the SWAT Commander, schedules this inspection.
- E. All rifles utilized by the SWAT must be approved by the Chief of Police.

**VII. GAS GUNS AND TEAR GAS**

- A. Only members of the SWAT are authorized to use gas guns and tear gas.
- B. The SWAT Commander is responsible for coordinating the cleaning and maintenance.

**VIII. AMMUNITION**

- A. Duty Weapon
  - 1. The only ammunition that officers will carry in their handguns and magazines is that which is issued by the department.
  - 2. Officers shall inspect all rounds prior to loading their weapon and make periodic inspections for damaged rounds.
  - 3. Department issued ammunition will be used and replaced on an annual basis.
  - 4. Ammunition used for firearms training and qualifications will be provided by the Department.
- B. Off-Duty/Back-up Weapon
  - 1. Officers must supply their own ammunition which must be approved by the Range Master.
  - 2. No armor piercing, incendiary, "Dum-Dum", or remanufactured ammunition will be authorized.
  - 3. Ammunition must be replaced at least annually.
  - 4. Ammunition used for quarterly qualifications must be provided by the officer.
- C. Other Authorized Department Issued Weapons
  - 1. Officers will only carry department issued shotgun rounds in the department issued shotgun.
  - 2. Officers will only carry department issued rifle rounds in the department issued rifle.
  - 3. Officers authorized to carry other department issued firearms will carry it loaded with department issued ammunition.

**IX. HANDLING OF FIREARMS**

- A. The authority to bear firearms carries with it an obligation and responsibility to exercise discipline, restraint, and good judgment in their use. The officer must keep in mind that when firing a weapon, there always exists a danger to innocent parties.

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- B. As a general rule, when in presence of the public, a handgun should be drawn only when the officer or his superior has sufficient cause to expect it will be used and the officer is preparing for its use. The actual pointing of a firearm at a person is considered as a show of force and must meet "Use of Force" guidelines. The drawing of a weapon does not constitute a use of force but must be done in accordance with policy. Shoulder weapons (long arms) may be displayed as their use may require.
- C. If possible, some warning should be given before engaging in the use of deadly force.
- D. A handgun, rifle or shotgun muzzle shall not be held in direct contact with an individual, except as a last resort.
- E. Firearms shall be secured as soon as practicable after determining that the use of deadly force is not necessary.
- F. Officers shall not exhibit any weapon within the police building or grounds. An officer's weapon may be removed from his holster to be placed in a secure area or during a weapons inspection.
- G. Officers shall not load or unload any weapon inside the police building unless the weapon is being processed for a criminal offense or for an inspection by a supervisor.

**X. DISCHARGE OF FIREARMS**

- A. Officers may discharge a firearm under the following circumstances:
  - 1. To safely destroy an animal that represents a threat to public safety; as a humanitarian measure where the animal is seriously injured and other alternatives have been exhausted
  - 2. During range practice or competitive sporting events
  - 3. For ballistics and scientific testing
  - 4. In defense of a life
- B. Firing a weapon should be for the intent of rendering the person at whom the weapon is discharged incapable of continuing the activity prompting the officer to shoot.
- C. Warning shots are normally prohibited, however may be used if doing so would save the officer or another from death or great bodily harm.
- D. Firing a weapon at or from a moving vehicle should not be considered except as the ultimate measure of self-defense or defense of another when the suspect is using deadly force.

Firing at a moving vehicle with the intent of rendering it incapable of being operated poses a formidable danger to innocent parties. The possibility of ricochet is greatly increased when the target is a car body or a spinning tire. Utmost caution must be exercised when considering such action.
- E. Firing at a fleeing person will not be considered justified unless the officer reasonably believes that the person he is considering shooting poses an imminent threat to human life.
- F. When an officer discharges a firearm accidentally or in the line of duty, except at firearms qualifications, his immediate supervisor will be notified as soon as possible, but never later than the conclusion of his tour-of-duty.

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- G. When a duty firearm is discharged, on or off-duty, the officer shall file a written report of the incident through established channels to the Chief of Police.

If an officer is unable to write the report, the duty supervisor will ensure the necessary report is properly prepared and forwarded.

- H. Division Lieutenant shall review reports of discharge of firearms with the assistance of the Range Master in charge of firearms instruction. The Division Lieutenant will investigate the facts and will submit a report of his findings and recommendations to the Deputy Chief. A copy of the report will be forwarded to the Range Master in charge of firearms instruction.

**XI. CARE OF WEAPONS**

- A. All officers are responsible for maintaining their weapons and keeping them clean.
- B. Willful or negligent damage to a department issued weapon by an employee shall not be tolerated. Incorrect or negligent use of a weapon is prohibited.
- C. All officers shall, by every practical means, secure all weapons from unauthorized access. Department issued firearms shall not be left in unsecured vehicles while on-duty or while off-duty, when the vehicle is unattended for extended periods of time. Furthermore, officers will assure that weapons are not left unsecured or unattended during workout or personal times while at the police station.
- D. Officers are responsible for inspecting their issued weapons for safety and maintenance needs and ensuring that the weapon is safe and functional at all times. Weapons shall be inspected monthly for proper lubrication.
- E. All repairs on department issued weapons shall be performed or coordinated through the Range Master.
- F. Department weapons found to be defective shall be delivered to the Range Master for repair. If necessary he will issue another weapon for use during this repair period.

**XII. FIREARMS QUALIFICATIONS**

- A. Firearms qualification courses are mandatory for all officers, and courses will be scheduled throughout the year. The Range master or firearm's instructors will post the dates and times for officers to qualify.

Firearms qualification courses will include a minimum of six (6) pistol courses, two (2) rifle courses and two (2) shotgun courses for all officers. There will be four (4) off-duty courses for officers authorized to carry off-duty weapons other than their duty weapon. There will be four (4) courses for other department issued firearms; ie. Submachine gun, long rifle and .380 pistol. These courses will be offered throughout a calendar year.

If it is necessary for an officer to miss a qualification, a written request will be submitted and approved by the Range master. At the discretion of the Range Master, those officers who have more than one excused absence during the year will be scheduled for makeup shoot at the end of the year.

- B. Every commissioned officer must maintain a minimum shooting score as stipulated by the Range Master. Officers must shoot approved courses with their issued duty weapon and approved off-duty weapon. Officers must maintain a minimum score with the issued shotgun.



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- C. If an officer is unable to qualify two times within a year, completion of a remedial training course will be required. This remedial training will be conducted in lieu of normally scheduled assigned duties until the officer successfully completes remedial training.  
  
If after a reasonable time, the Range Master and Training Division Lieutenant determines that an officer cannot qualify, a detailed report shall be submitted to the Chief of Police. The officer shall be placed on Administrative unarmed duty in civilian clothes pending a determination of the officer's employment status.
- D. If an officer fails to qualify with the back-up handgun or off-duty handgun, the officer shall not carry that weapon until qualification requirements are met. Notification of the officers' immediate supervisor will be made.
- E. Because this training is mandatory, any unauthorized absence of commissioned officers at this training is subject to disciplinary action.
- F. Certain circumstances may excuse an officer from scheduled qualifications (illness, injury, pregnancy). The officer is required to qualify immediately upon returning to full status capacity.
- G. All firearms training will be conducted by a certified firearm's instructor.
- H. All training and proficiency demonstrations will be documented.

**XIII. FIRING RANGE PROCEDURES**

The object of the firearm section is to provide training in the use of department issued weapons. It is the officer's responsibility to conduct themselves in a mature manner and use common sense in safe handling procedures with handguns, shotguns, and rifles. The following range rules and firearms safety standards will be followed by everyone engaged in firearms training. Infractions of, or disregard for, firearms safety will be dealt with promptly and firmly by the firearm's staff.

- A. Safety Rules and Regulations
  - 1. Each time a weapon is picked up for any purpose, point the weapon in a safe direction, open the action and make a visual and physical inspection to ensure that it is unloaded. Never trust your memory, and consider every weapon as loaded until you have personally proven otherwise. Never turn in or accept a weapon unless the action is open.
  - 2. Do not leave a loaded weapon unattended. Upholstered weapons will have actions open at all times when not being fired. Shotguns will have the action bar to the rear, port side up and rifles will have the bolt locked to the rear, ejection port up with safeties in the safe position.
    - a. Semi-Automatics - When not holstered a semiautomatic will be carried with the magazine removed, the slide locked to the rear, the muzzle pointed down, with the strong hand holding it by the grip.
    - b. Shotgun/Rifle - When transporting a shotgun/rifle, the weapon will be carried muzzle down with the action open and the safety on.
  - 3. Do not place your finger within the trigger guard until you are pointing the weapon at the target. This is especially important when drawing the weapon from the holster.

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4. Do not load until the command is given. NEVER anticipate a command. All range commands will be directed from the control center over a public address system.
5. The muzzles of all weapons will be pointed downrange at all times when not holstered, but at no time will point over the top of the backstop or at the ceiling of the indoor range.
6. Do not handle a weapon on the firing line while there is someone downrange. Dry firing is allowed only on the firing line under the supervision of an instructor.
7. No conversations are allowed between participants while on the firing line.
8. If you drop a weapon accidentally, report this fact to an instructor who will immediately inspect your weapon to ensure that it can function.
9. Holstered weapons will be snapped in at all times except while in the process of being drawn.
10. The actions of all weapons will be open when being carried to and from the range, or the weapon will be holstered.
11. Never bend over to retrieve dropped ammunition during loading or unloading procedures. You will be permitted to do so after the line has been declared safe. You will also be instructed when to pick up magazines or other dropped equipment.
12. Do not remove any live ammunition from the ranges. All unfired rounds will be returned to an instructor after the day's firing has been completed.
13. Do not fire at a target that has turned on the edge position.
14. Any time you observe an unsafe act that endangers someone; you have the responsibility to shout, "Cease Fire", raise your non-shooting hand and report the incident to an instructor.
15. Any injury sustained during firearms training, no matter how minor it may seem, will be reported immediately to an instructor.
16. For your protection, it is mandatory that all officers wear eye and ear protection while engaged in live fire on all ranges. Plastic glasses and hearing protection will be provided.
17. When you are instructed to step up to the firing line, remain there unless told to do otherwise.
18. Staple guns should always be handled carefully as the staples will be under spring tension. Do not put your hands behind the target cardboard when stapling targets.
19. Keep talking to a minimum while at the firing ranges. Exercise courtesy while others are shooting or engaged in classes.
20. Do not turn around on the firing line or look behind you unless instructed to do so.
21. When arriving or leaving the range weapons will be secured in a holster.
22. Any loading/unloading or checking the condition of a weapon will be done either on the firing line or at a side safety beam as directed.

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23. During drawing and/or holstering sequences the trigger finger shall be in register (along the side or frame of the weapon).
24. When at "Ready Gun" position, the trigger finger shall be in register.
25. Horseplay, practical jokes, or other such action is prohibited.
26. The Range Master is the ultimate authority on the range. Range discipline will be enforced by the Range Master or firearms instructors.

**B. General Range Information**

**1. Weapons**

- a. Each time a weapon is issued or turned in, open the action to ensure the weapon is unloaded.
- b. Weapons will not be abused. Never force an action open. If weapon will not function contact a range instructor.
- c. Modification will not be made to any department issued weapon, unless authorized by the Range Master.

**2. Leather Gear**

- a. A complete set of leather gear will be worn during qualification courses unless otherwise specified for the course of fire.
- b. If a holster or ammo carrier is excessively worn or does not function properly, notify an instructor.

**3. Cleaning Room**

- a. Bore brushes will only be used in the bore and cylinder chambers. Bore brushes are not to be used to scrub surfaces of weapons.
- b. Each officer is responsible for putting back in order all equipment at his/her cleaning area.

**4. Facilities and Equipment**

- a. Range equipment is not to be abused. Any broken equipment should be reported to an instructor.
- b. Indoor range will be kept clean at all times. The floor, walls and range equipment will be appropriately cleaned at the end of the day following firearms qualifications.
- c. Officers who are firing will be responsible for cleaning up their area.

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**XIV. DEFENSIVE EQUIPMENT**

**A. ASP Baton**

1. The ASP expandable baton is the only baton authorized for carrying and use by officers of the Department. Only the Department issued ASP is authorized.
2. The ASP is issued to all commissioned officers. The ASP will be maintained in the trunk or passenger compartment of their assigned unit. The ASP will be maintained in such a location within the vehicle where the officer has easy access to it if needed.
3. Officers are not approved to utilize an ASP until successful completion of approved baton training. Officers are required to attend training with the ASP baton at least annually.
4. If an officer's authorization to utilize the baton is revoked, the Baton Instructor shall notify the officer's Lieutenant and the Training Section by memorandum.
5. Officers are responsible for maintaining the ASP baton so that it is safe and reliable for use.
  - a. Damaged, warped or incomplete batons must be reported immediately to the officer's supervisor for repair or replacement.
  - b. No alterations or modifications shall be made to the ASP without the approval of either the Defensive Tactics Coordinator or the Training Officer.
6. On a periodic basis, in conjunction with firearms qualifications, officers will complete continuing training under the supervision of a certified Defensive Tactics Instructor. This allows officer's to continue demonstrating proficiency. This proficiency demonstration will be documented.

**B. Chemical Spray**

1. Oleoresin Capsicum spray, otherwise known as OC Spray, is made with the plants from the *genus capsicum*, and is the only chemical spray authorized for use by this Department. Peppers are the active ingredient in OC Spray which comes in concentrations of 5% and 10%.
2. No officer shall be issued or authorized to carry or use chemical spray until the officer has successfully completed a course of training under the direction of a NMLEA certified instructor. Officers must be specifically authorized to carry chemical spray.
3. Uniformed officers who are considered first responders are required to carry the OC spray in the appropriate manner while on duty. Other uniformed officers and non-uniformed officers may carry it at their discretion.
4. Officers who have been authorized to carry chemical spray shall be required to attend a training session at least once per year. This training will be documented by the instructor and turned over to the Training Lieutenant for documentation.
5. An instructor may revoke an officer's authorization to carry chemical spray if the officer fails to demonstrate proficiency.

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6. An officer's authorization to carry chemical spray may be revoked with cause by a supervisor.
7. If an officer's authorization to carry chemical spray is revoked, the instructor will notify the officer's Lieutenant and the Training Section by memorandum.
8. Only department issued chemical spray may be carried.
9. Officers shall not alter or modify the chemical spray canister or any part of the trigger mechanism in any manner.
10. The OC spray canister shall be inspected on a monthly basis by the officer's supervisor.
11. Officers are required to attend training with chemical spray at least annually.

**C. Electronic Control Device**

Electronic Control Device (ECD): A device designed to incapacitate a person from a safe distance while reducing the likelihood of serious injuries or death for the officer and the suspect. Furthermore, the device works independently and together as Neuro-Muscular Incapacitation (N.M.I.) and / or as pain compliance (Drive Stun also called Touch-Stun). This device has a low likelihood of injury and a high potential for control.

**1. Procedures**

**a. Authorized Users**

Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry ECD's.

Officers who have been authorized to carry the ECD shall be required to attend a training session at least once per year. This training will be documented by the instructor and turned over to the Training Lieutenant for documentation.

**b. Weapon Readiness**

1. The device will be carried in an approved holster on the side of the body opposite the service handgun in order to avoid weapon confusion. Officers not assigned to uniformed patrol may utilize other department approved holsters and carry the weapon consistent with department training.
2. The device shall be carried fully armed with the safety on in preparation for immediate use when authorized.
3. Officers authorized to use the device shall be issued a minimum of one spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. This spare cartridge shall be stored and carried in a manner consistent with training and the cartridges replaced consistent with the manufacturer's expiration requirements.
4. Only agency approved battery powered sources shall be used in the ECD

D. Other

Under emergency conditions an officer may use whatever weapon is available.

E. Notification – Any use of Department less-than-lethal weapons, other than for training or in instances in which policy already requires supervisory notification (such as in the Use of Force policy), will be reported to the officer's supervisor immediately.

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**SECTION 20 – LINE INSPECTIONS**  
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**I. STATEMENT OF PURPOSE**

The purpose of this policy is to establish guidelines for maintaining organizational control within the Department through line inspections. Each supervisory level within the Department is required to exercise supervisory control through frequent and routine inspections.

**II. DEFINITION**

*Line inspection* is defined as an objective and purposeful observation and evaluation of an activity, event, equipment or personnel within the direct chain of command of the inspecting supervisor.

**III. RESPONSIBILITY**

A. Lieutenants shall:

1. make personal inspections of personnel and areas under their command at frequent and irregular intervals;
2. insure that briefings are held, if applicable, and that orders and necessary information are communicated;
3. encourage supervisory punctuality and professional appearance of subordinate personnel;

B. Sergeants shall:

1. make, at a minimum, monthly documented inspections of their subordinates to insure they are properly uniformed, equipped and fit for duty;
2. conduct quarterly inspections of facilities;
3. conduct monthly inspections of property, equipment, activities and personnel;
4. monitor the activities of subordinates to determine if duties, services to the public, orders and instructions are being properly, efficiently and effectively performed;

C. Field Training Officers shall:

conduct daily, documented inspections of recruits whom they are training to insure the recruits are being properly instructed in the use, care and maintenance of equipment and uniforms.

**IV. PROCEDURES**

A. Routine line inspections are used to ascertain compliance with department policy regulating dress code, weapons, ammunition, equipment and vehicles. Supervisory personnel shall use the appropriate approved forms when conducting a line inspection. The following forms are approved for line inspections:

1. Personnel Inspection
2. Recruit Daily Observation Report
3. Employee File Comment Sheet
4. Vehicle Inspection/Inventory
5. Facilities Inspection

- B. Completed inspection sheets shall be forwarded to the appropriate Division Lieutenant for review.
- C. Deficiencies that cannot be immediately corrected are subject to re-inspection within seven (7) days. Upon re-inspection, if the deficiencies still exist, the inspecting supervisor shall submit a memorandum to his/her immediate supervisor.

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**SECTION 21 – STAFF INSPECTIONS**  
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**I. STATEMENT OF PURPOSE**

The purpose of this policy is to establish guidelines for coordination of staff inspections. Staff inspections are conducted to insure an objective review of office facilities, property, equipment, personnel, and administrative and operational activities outside the normal supervisory and line inspection procedures and assure compliance with applicable accreditation standards and Rules and Regulations. Staff inspections may be both formal and informal. Staff inspections are not an inspection of the staff members themselves, but an inspection of areas under their control and provided as a management tool.

**II. AUTHORITY**

- A. Personnel are assigned by the Chief of Police and have full authority to discharge the duties necessary to conduct staff inspections.
- B. Officers assigned to conduct staff inspections shall be given access, for the purpose of inspection, to appropriate Department facilities, equipment and records.
- C. Personnel shall cooperate with and assist officers assigned to conduct staff inspections, recognizing that staff inspections are conducted under the authority of the Chief of Police.
- D. The Chief of Police may assign a specialist or an advisor to assist in the inspection, when its scope is technical in nature.

**III. FUNCTIONS AND PURPOSE OF STAFF INSPECTIONS**

- A. The primary focus of staff inspections is upon policies and procedures and only incidentally on persons.
  - 1. Primary concern is to determine if established policies/procedures are being followed and compliance with applicable accreditation standards is being maintained, not that a particular person may be performing improperly.
  - 2. Training, direction and discipline are the responsibility of the appropriate Division Captain.
- B. Staff inspections are conducted through the Department on a routine basis or as directed by the Chief of Police.
- C. The Chief of Police may request inspections and studies of the various areas of operation within the Department for the following purposes:
  - 1. to provide a primary means of exercising administrative control over delegated actions or activities through observations, determining if orders and instructions have been carried out in an effective and satisfactory manner;
  - 2. to insure that policies and procedures of the Department are understood and adhered to, and that policies and procedures are adequate and effective in achieving organizational goals and objectives;
  - 3. to provide information concerning the quality of service delivered and the effectiveness of the service;

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4. to provide observation and evaluation of the conduct, appearance and proficiency of Department personnel;
5. to inform the Chief of Police if resources are being used properly and to the fullest extent;
6. to provide determinations of whether resources are adequate for achieving the goals and objectives of the Department;
7. to inform the Chief of Police of deficiencies in personnel, integrity, training, morale, supervision or policy;
8. to reveal the existence of a specific need or requirement for change.

**IV. FREQUENCY OF REQUIRED INSPECTIONS**

- A. A staff inspection is conducted within each Division at least every two (2) years.
- B. An annual inventory of found, recovered, evidentiary, and agency owned property is conducted to ensure the integrity of the property control system.
- C. An annual staff inspection of formal grievances is conducted to serve as a management tool in determining office problems which must be addressed.
- D. An annual staff inspection of the written performance evaluation system is conducted.
- E. An unannounced semi-annual inspection of evidence and property storage areas is conducted.
- F. Quarterly, random inspections of impounded narcotics are conducted to ensure seals are in place and do not show signs of tampering.
- G. An annual review of specialized assignments to determine whether they should be continued. This review will include a list of specialized assignments, a statement of purpose for each assignment, and an evaluation of the initial problem/condition which required the implementation of the specialized assignment.

**V. INSPECTION PROCEDURE**

- A. Origination
  1. Inspections are justified to, and approved by, the Chief of Police.
  2. An inspection may be suggested or requested by any member of the Department upon submission of a memorandum via the chain of command to the Chief of Police, briefly stating the reasons for the requested inspection(s).
- B. Pre-Inspection Notification
  1. A written notice of a formal inspection shall be provided to the affected Division Captain not less than five (5) days prior to the inspection.

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2. The memorandum indicates the nature of the inspection and may include a specific request for desired action, questions to be answered, documents to be produced, or other action necessary to complete the inspection.

**C. Spot Check Inspection**

1. Spot check inspections are conducted continuously on an unscheduled basis, requiring no advance notification.
2. If a spot check inspection reveals the need for a more comprehensive inspection, the pre-inspection notification shall be initiated prior to a formal inspection.

**D. Post Inspection Activity**

1. The officers conducting a formal staff inspection are responsible for the completion of a constructive report at the conclusion.
2. Credit or recognition should be given to the inspected division or organizational component and its personnel when found to be exemplary.
3. Recommendations for improvement may be made to the component's commanding officer in cases where it is within the authority of the commanding officer to effect the change.
4. When possible, reports should be discussed with the affected Division Captain prior to finalization.
5. The completed report is submitted to the Chief of Police and other distribution is at the discretion of the Chief.

**E. Follow-Up Inspections**

At prescribed time intervals following the initial inspection, inspectors may be directed by the Chief of Police to conduct follow-up inspections and report on the progress of the implementation of recommended changes.

**F. Types of inspections which may be conducted**

1. **Personnel**
  - a. Appearance
  - b. Morale
  - c. Job performance
2. **Operations**
  - a. Facilities and equipment condition
  - b. Investigative techniques
  - c. Communications discipline
  - d. Incident response time

- e. Quality of service
  - f. Report preparation and records
  - g. Roll calls
  - h. Supervision and command
  - i. Court appearance and presentation
  - j. Selectivity of enforcement
  - k. Manpower scheduling and deployment
3. **Administration**
- a. Cooperation with other components or agencies
  - b. Manpower utilization
  - c. Control of overtime
  - d. Compliance with established procedures, accreditation standards, and law.
4. The Chief of Police may order other inspections and/or officers assigned to conduct staff inspections may conduct spot check inspections of an organizational component, procedure or condition which does not appear to be functioning properly.

**VI. RESPONSE TO INSPECTION FINDINGS**

- A. Staff Inspection Reports are thoroughly reviewed and appraised by the Chief of Police as a matter of policy.
- B. The report is forwarded through the concerned Division Captain to the affected Lieutenant for review and response.
- C. The Lieutenant of the affected division prepares a response to each of the recommendations contained in the report.
  - 1. The response is completed and returned to the Chief within 30 days of receipt of the report.
  - 2. The Lieutenant preparing the report ensures that copies of the response are provided to the concerned Division Captain.
- D. Contested issues regarding inspection findings or recommendations should be resolved by the affected Division Captain and the Lieutenant. Issues that cannot be resolved shall be resolved by the Chief of Police.
- E. The Lieutenant is responsible for ensuring implementation of approved recommendations.
- F. The completed inspection report, including the response and any follow-up reports, are maintained on file in the Accreditation Office.

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**SECTION 22 – STAFF NOTIFICATION**  
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(Rev. Date: 08/24/06)

**I. STATEMENT OF PURPOSE**

The Chief of Police and the Department Administrative Staff shall be aware of major occurrences which affect the efficiency of operation or morale of the Department or which have significant impact on the Department, the community or its citizens.

**II. PROCEDURE**

Notification to the Chief of Police and Department Administrative Staff shall be accomplished either by immediate verbal communication or through daily e-mail or written daily report. It shall be the responsibility of the on-duty supervisor to make appropriate notification.

**A. Immediate Notification**

1. Immediate notification shall be done in the following cases:
  - a. when a police employee is seriously injured or killed;
  - b. any major incident involving a police employee;
  - c. all apparent homicides, traffic related deaths and accidental deaths;
  - d. any riot, serious injury or death in the municipal jail; or
  - e. any occurrence which will likely have significant impact on the Department, city or citizens of Hobbs.
2. On-duty supervisors shall follow their immediate chain of command, if possible, when making notification.
3. Immediate notification may be accomplished in person, via telephone or when necessary, requested through the communication section.
4. Immediate notification need only be made through divisions which are directly affected by the occurrence, unless otherwise specified by divisional policy.

**B. Daily Staff Report**

1. A daily report shall be submitted at the end of each shift by the PSD Operations Sergeant or his designee. This report should only detail occurrences up to the time the following shift begins its overlap.
2. Incident to be contained in the daily report include:
  - a. any death or serious injury;
  - b. major traffic accidents;
  - c. major theft crimes;
  - d. sex crimes;
  - e. child abuse or neglect;
  - f. hate/bias or gang related crimes;
  - g. any shots fired calls;
  - h. attempt to locate person(s)/vehicle(s);

- i. any violent felony;
  - j. significant school related incident;
  - k. significant Lea County Drug Task Force activity; or
  - l. any occurrence which could have significant impact on the Department, city or citizens of Hobbs.
- 3. Personnel matters or other sensitive information which would normally be relayed by other means shall not be contained in the daily report.

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**I. STATEMENT OF PURPOSE**

The purpose of this order is to establish guidelines and procedures for safeguarding the security of the police building. The necessity for adequate security and strict adherence to the following policy and guidelines is incumbent upon each member of the Hobbs Police Department.

**II. VISITORS**

- A. Any visitors who will be inside the secured areas of the police department will be required to be accompanied by a member of the Hobbs Police Department at all times. This includes family members of department employees. Exemption: City employees and officials from other law enforcement agencies.
- B. The general public will access the building by the West Entrance only. All other doors are secured by electronic keypad and only accessed by authorized personnel.

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**I. STATEMENT OF PURPOSE**

The Emergency Awareness & General Law Enforcement Intelligence Center (aka, E.A.G.L.E.) is to provide relevant real-time information to field officers responding to calls-for-service in order to improve their situational awareness. This policy addresses access, control and use of the Hobbs Police Department video camera network, including Police Department video cameras deployed in public places and camera footage sent to E.A.G.L.E. from private businesses.

A. The purpose of E.A.G.L.E. is:

1. To serve as a force-multiplier for the Hobbs Police Department providing real-time footage of crimes or potential crimes in progress;
2. To enhance public safety and Police Officer safety;
3. To assist responding officers in their decisions by improving their situational awareness;
4. To deter criminal and terrorist behavior;
5. To cost-effectively expand the video camera assets accessible by the Hobbs Police Department; and
6. To obtain Camera Footage helpful in the investigation of and prosecution of criminal and terrorist activity.

**II. DEFINITIONS AND TERMINOLOGY**

"City" means the City of Hobbs, New Mexico.

"Code of Conduct" means the Code for Conduct for each member of the Hobbs Police Department with access, use, and control of Video Camera Footage.

"E.A.G.L.E." or "E.A.G.L.E. IC" means the Emergency and General Law Enforcement Intelligence Center located at the Hobbs Police Department.

"Information Provided" means any information provided to officers while assisting on a call for service.

"Custodian" means the individual designated by the Chief of Police to review all Video Camera Footage Requests pursuant to the Inspection of Public Records Act.

"Governmental Entity" means the School District of Hobbs, any City agency or department, any County agency or department, any State agency or department or any Federal agency or department.

"Memorandum of Understanding" means a Memorandum of Understanding executed by the owner of a Private Video Camera or a Public Video Camera in the form of APPENDIX B hereto.

"Chief of Police" means the Chief of Police of the Hobbs Police Department, City of Hobbs, New Mexico.

"Police Department" means the Hobbs Police Department, City of Hobbs, New Mexico.

"Police Officer(s)" means member(s) in good standing of the Hobbs Police Department, City of Hobbs, New Mexico.

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**CHAPTER 3**

**SECTION 24 – E.A.G.L.E (Emergency Awareness & General Law Enforcement Center)**

(Date: 04/28/2015)

**PAGE 2**

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"Private Video Camera" means a video camera or video management system owned by a non-profit corporation, individual or private business in the City.

"Public Video Camera" means a video camera owned by the City or any Governmental entity.

"Video Camera Footage" means video camera footage legally obtained from Public Video Cameras or Private Video Cameras

"Video Camera Footage Request" means a request for Video Camera Footage received by the Police Department from a member of the public or a Governmental entity.

"Video Sharing Agreement" means a Video Sharing Agreement executed by any Governmental Entity requesting Video Camera Footage in the form of APPENDIX C hereto.

**III. E.A.G.L.E**

Any information provided by the E.A.G.L.E will be logged into the CAD call in question. The Operator will attempt to logon to a call-for-service to log this information. If the E.A.G.L.E. operator is already logged on to the call-for-service and provides information to a second call-for-service, the dispatcher may add comments for the second call for the E.A.G.L.E. The E.A.G.L.E. operator will ensure that all E.A.G.L.E. interventions are logged into the call for service on the CAD and an E.A.G.L.E. Sharepoint Log is completed.

The E.A.G.L.E is staffed by sworn Hobbs Police Department officers and/or qualified civilians who research existing information sources (e.g. databases) to provide relevant information to officers responding to calls-for-service. Calls-for-service that have an offender present who is still causing an active threat will be considered priority for E.A.G.L.E action. The E.A.G.L.E. operators provide information based on their observations, experience and as requested. They are expected to exercise discretion in choosing what information is relevant. Additionally, they are expected to use the most appropriate communication channel (e.g. police radio, MDT Instant Message, telephone). Officer safety and citizen safety are the critical factors considered in deciding what information to send to the field officer and how.

All data provided by the E.A.G.L.E. is considered informational. Although this information is researched and presumed valid, officers are still required to validate the information in the usual and customary manner prior to taking action (e.g. arrest). If an officer is unable to validate critical data provided by E.A.G.L.E. he/she must seek additional guidance from a supervisor prior to an arrest. On occasion an arrest may be made based solely on information provided by the E.A.G.L.E. using a police team concept with approval from a supervisor.

**IV. DUTIES AND RESPONSIBILITIES**

**A. E.A.G.L.E. Operator(s)**

1. Will notify Dispatch when the E.A.G.L.E. is available by going "In-Service" or "Out of Service".
2. Will Actively Monitor Calls-For-Service, and will;
  - a) Identify potential calls where additional situational awareness could be provided prior to an officer's arrival.
  - b) Maintain situational awareness and availability while assisting an active call-for-service for additional calls-for-service.

- c) Provide an active role in situational awareness for all priority calls-for-service where an active threat is still present. These calls could include but are not limited to:
- Shootings
  - Stabbings
  - Suicidal Subjects
  - Domestic Violence
  - Warrant Checks
  - Suspicious Activity
  - Mental Health Calls
  - In Progress Calls
  - Violent Felonies
  - Trouble With Subjects
  - Kidnapping
  - Hostage Situations
  - Bomb Threats
  - SWAT Callouts, and
  - Traffic Stops.
- d) Prioritize which calls will receive attention based on circumstances and information available as the call develops.
- (1) Top Priority will be given to in-progress calls where an offender is causing an active threat which still exists at the scene.
  - (2) Second Priority will include crimes where an offender is still present but is not actively causing a threat or has left the scene and information is present that can help identify or locate him/her.
  - (3) Third Priority will include all other calls for service that do not meet criteria for Top or Second Priority.
  - (4) As time permits E.A.G.L.E. operators will assist with calls and investigations.
  - (5) The E.A.G.L.E. will maintain an observational status on all calls it becomes involved with after officer's arrival. The E.A.G.L.E. will continue to provide situational awareness if available as the call progresses.
  - (6) The E.A.G.L.E. operator will determine when services are no longer needed using the following criteria;
    - (a) Status of the Offender (In Custody or Outstanding),
    - (b) Status of the Officers on scene,
    - (c) Status of an Active Threat, and

- (d) Status of additional available information not already provided.
  - e) Respond to a Call-For-Service when requested by an on-scene officer who feels E.A.G.L.E. may further aid their investigation.
  - f) Advise officers via the police radio when they are actively monitoring a specific Call-For-Service.
- 3. E.A.G.L.E. Situational Call-For-Service Documentation.
  - a) E.A.G.L.E. Logs.
    - (1) All Calls-For-Service where an Operator utilized a database must be logged at minimum into the E.A.G.L.E. Sharepoint Log. *(Even if E.A.G.L.E. does not send information.)*
    - (2) The Operator will provide a summary of their assistance to officers via the comments section on the CAD. All databases utilized must be documented as well as the information sent to the officer to improve officer situational awareness.
  - b) Post Incident
    - (1) All E.A.G.L.E. activated calls will be reviewed for possible follow up including the placing of Hazard notifications. Prior to any Hazard notifications being placed, the E.A.G.L.E. operator must obtain the approval of the E.A.G.L.E. Supervisor for review.
- 4. E.A.G.L.E. Communications.

E.A.G.L.E. operators will use discretion in providing only the most important information to officers in the most effective means possible. Communications will be relayed to the primary responding officer. The Operator is responsible to verify that all communications have been received or acknowledged. Communication methods will include the following:

- a) Radio: Radio is the primary method of communication. E.A.G.L.E. Operators will determine if the information is compact enough to be voiced over the radio.
  - (1) The radio should always be utilized whenever an officer or citizen's safety is at risk to ensure that the relayed information has been received. Circumstance may include:
    - (a) All Felony Warrants,
    - (b) Stolen Vehicles,
    - (c) History of Resisting/Eluding/Assault/Battery on an Officer,
    - (d) History of suspect utilizing a weapon in a crime,
    - (e) Identified parties violent history due to possible mental illness,
    - (f) Hazard or Safety Risk Locations,

- (g) Utilized to ensure an officer received a message from other communication methods.

- b) CAD Instant Messaging: Text messages may be sent using the CAD feature Email Messages.
- c) Microsoft SharePoint: Documents may be shared using the Police Intranet hosted on Microsoft SharePoint.
- d) In an Emergency, the E.A.G.L.E. shall make communications to officers by any means necessary during an emergency.

#### 5. E.A.G.L.E. Data Search.

The Operator will decide which Law Enforcement information resources to search and prioritizes this search to critical situational awareness information. Searchable databases are dynamic and will change over time. Operators will have access to the following available databases:

- a) E.A.G.L.E. Sharepoint,
- b) Records Management System (RMS) Query,
- c) Hobbs Detention Booking Information,
- d) Lea County Booking Information,
- e) Hobbs Detention Custody List,
- f) Internet Searches,
- g) Social Media Searches, and
- h) License Plate Reader Database.

#### 6. Dress Code:

E.A.G.L.E. Operators will maintain professional attire. Acceptable dress standards will include:

- a) Business casual at minimum,
- b) BDU's with collared polo-type shirt is acceptable,
- c) Weapons and other field gear may be secured while operating inside E.A.G.L.E.

#### B. E.A.G.L.E. Supervisor.

The Supervisor reports to the Criminal Investigations Captain or designee and they will:

1. Lead and manage the Operators and all operations of E.A.G.L.E., to include; the training of personnel, the maintenance of equipment, and the general order of the facility.
2. Review daily logs to ensure accuracy and completeness.
3. Ensure identified Hazards are added to the Hazard File by Dispatch.
4. Ensure Operators add Special Flags in (CAD) reference Hazards.

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5. Ensure Operators have access to the required databases at all times.
6. Ensure the appropriate use of the TV Wall, databases, and any other E.A.G.L.E. resource.
7. Maintain communication and coordination with Police Services, Criminal Investigations, Support Services, other Governmental Entities, and our Private Partners.
8. Will research and stay abreast of current trends in technology and will make recommendations of operational efficiency.
9. Will be available by telephone to matters involving the overall operation of E.A.G.L.E. or its personnel.

C. E.A.G.L.E. Reporting.

1. There may be situations in which an Operator or Supervisor may need to complete an original or supplemental report to an incident. All reports generated in a timely manner from E.A.G.L.E. should be directed through the appropriate supervisor prior to submittal. Operators may need to complete a report or supplement to a report during the following instances:
  - a) On-View observations that the patrol officer did not have knowledge of, and / or
  - b) A situation deemed necessary by a Department Supervisor.
2. Operators will not need to complete a report or supplement to a report if the information gathered is only investigative in nature and not on-view such as;
  - a) Information gathered as intelligence during a situational awareness activity,
  - b) Investigative information gathered at the request of Administration, Police Services, Criminal Investigations or Support Services through the E.A.G.L.E. Supervisor.

V. E.A.G.L.E. CODE OF CONDUCT

- A. All staff members of E.A.G.L.E. and Police Officers are bound by the Code of Ethics set forth in Chapter 1, Section 4. In addition, all staff members of E.A.G.L.E and Police Officers are bound by the E.A.G.L.E. Code of Conduct which states:
1. Public Video Cameras may only be deployed in public areas and where possible, views of private areas will be technologically screened.
  2. Public Video Cameras may not track individuals based on a classification protected by law or for any reason other than in connection with a legitimate Police Department purpose.
  3. All staff members of E.A.G.L.E. and Police Officers with access to E.A.G.L.E. systems are required to execute a Non-Disclosure Agreement assuring that the identity of individuals observed or information obtained will not be disclosed unless pursuant to a potential or actual investigation by the Police Department.

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4. No member of the public may be admitted to E.A.G.L.E. without written approval by the Chief of Police or designee.

#### **VI. DEPLOYMENT AND POSITIONING OF PUBLIC VIDEO CAMERAS**

A. The following standards shall be followed in regards to Public Video Cameras:

1. Public Video Cameras may only be deployed in public areas and where possible, views of private areas will be technologically screened.
2. Public Video Cameras may not be used for any reason other than in connection with a legitimate Police Department purpose.
3. Public Video Cameras may not target or track individuals based on a classification protected by law or focus on an individual's home or place of business for more than seven consecutive days, without approval of the Chief of Police.
4. Sound will not be recorded by Public Video Cameras.
5. Public gathering areas such as parks and public buildings monitored by Public Video Cameras shall have a sign prominently displayed stating: "Video cameras are recording, but are not continually monitored".
6. All changes in location of Public Video Cameras must be approved by the Police Chief or designee.

#### **VII. RETENTION OF VIDEO CAMERA FOOTAGE**

A. The following standards shall be followed for the retention of video camera footage:

1. Video Camera Footage will be retained by the Police Department for a maximum of seven (7) days unless:
  - a) It is requested in writing by a Police Officer in connection with a potential or actual investigation,
  - b) E.A.G.L.E. receives a Video Camera Footage Request for such footage within five (5) days of the date the footage was originally recorded approved by the Chief of Police, or
  - c) The limitations of the network do not allow retention for the full seven (7) days.
2. Before they can be honored and the requested footage provided, all Video Camera Footage Requests must be approved by the Chief of Police or designee.

#### **VIII. ACCESS TO PRIVATE VIDEO CAMERA FOOTAGE AND VIDEO CAMERA FOOTAGE FROM OTHER GOVERNMENTAL ENTITIES**

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- A. E.A.G.L.E. shall have live access to Private Video Camera Footage if the owner of the Private Video Camera has executed a Memorandum of Understanding authorizing transmission of such footage to the E.A.G.L.E. IP Address. Unless recorded by E.A.G.L.E. in connection with legitimate Police Department business, such footage is the exclusive property of the owner of the Private Video Camera.
- B. E.A.G.L.E. shall have live access to Public Video Camera footage if the Governmental Entity owning the Public Video Camera has executed a Memorandum of Understanding authorizing transmission of such footage to the E.A.G.L.E. IP Address. Unless recorded by E.A.G.L.E. in connection with legitimate Police Department business, such footage is the exclusive property of the Governmental Entity owning the Public Video Camera.

#### **VIII. SHARING RECORDED VIDEO CAMERA FOOTAGE WITH OTHER GOVERNMENTAL ENTITIES**

- A. Each Governmental Entity submitting a Video Camera Footage Request must have executed a Video Sharing Agreement with the Police Department acknowledging that the requested Video Camera Footage will only be used for the limited purposes for which it was obtained by the Police Department.
- B. The Police Department shall maintain a list of Governmental Entities which have executed valid Video Sharing Agreements.
- C. All Video Camera Footage Requests must be in the proper request form and contain the name, address, e-mail address and phone number of the requesting party and reasonable specificity as to the footage requested.
- D. All Video Camera Footage Requests must be received no later than five days after the date of the events captured on the requested footage.
- E. Upon receipt of a Video Camera Footage Request, the Custodian must notify the E.A.G.L.E. Supervisor to preserve the footage specified in the Video Camera Footage Request until a determination can be made by the custodian as to whether the Video Camera Footage request will be approved.
- F. If the Custodian determines that the Video Camera Footage Request will be honored, the Custodian must reply affirmatively to the Video Camera Footage Request within fifteen (15) days of receipt of such request.
- G. The Custodian must honor any Video Camera Footage Requests authorized under the Arrest Record Information Act, without exception.

#### **X. SHARING RECORDED FOOTAGE WITH MEMBERS OF THE PUBLIC CONSISTENT WITH THE INSPECTION OF PUBLIC RECORDS ACT**

- A. The Chief of Police shall designate a Custodian for E.A.G.L.E. responsible for responding to all Video Camera Footage Requests pursuant to the Inspection of Public Records Act.

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- B. All Video Camera Footage Requests must be in writing and contain the name, address, e-mail address and phone number of the requesting party and reasonable specificity as to the footage requested.
- C. All Video Camera Footage Requests must be received no later than five days after the date of the events captured on the requested footage.
- D. Upon receipt of a Video Camera Footage Request, the Custodian must notify E.A.G.L.E. IC staff to preserve the footage specified in the Video Camera Footage Request until a determination can be made by the custodian as to whether the Video Camera Footage Request will be approved.
- E. If the Custodian determines that the Video Camera Footage Request will be honored, the Custodian must reply affirmatively to the Video Camera Footage Request within fifteen (15) days of receipt of such request.
- F. The Video Camera Footage Request will be denied by the Custodian if:
  - 1. The records requested reveal confidential sources, information or individuals accused but not charged with a crime.
  - 2. If disclosure would seriously interfere with the effectiveness of a criminal investigation or prosecution.
  - 3. If disclosure would alert potential defendants to destroy evidence, coordinate stories or flee the jurisdiction.
  - 4. If disclosure might unfairly cast suspicion on and invade the privacy of innocent people or endanger a person's life.
  - 5. If disclosure would violate the dignity or privacy of a victim of a crime specified in Article II, Section 24 of the New Mexico Constitution and in the Victims of Crimes Act, including murder, rape and other serious criminal offenses.
- G. The Custodian must honor any Video Camera Footage Request authorized under the Arrest Record Information Act, without exception.



**CHAPTER 3**  
**SECTION 25 – COMPUTER SYSTEM SECURITY**  
**PAGE 1**

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(Rev. Date: 10/09/2013)

**I. STATEMENT OF PURPOSE**

This directive addresses the access, use and control of the Hobbs Police Department computer systems. The procedure provides specific guidelines and rules governing the use of mobile data terminals, computers, laptops, and other computer hardware and software, including Internet browsing, e-mail, and file transfer and downloads. The police department requires computer systems to perform tasks essential to police department operations and the safety and welfare of employees and the residents of the city. The use of these computerized systems must be in compliance with the following procedures.

**II. COMPUTER USAGE**

- A. The computer network is the property of the City of Hobbs and computer network usage is a privilege that may be revoked at any time. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain users may also be provided with access to the Internet through the computer network. All users have a responsibility to use computer resources and the Internet in a professional, lawful and ethical manner. Abuse of the computer network or the Internet may result in disciplinary action including possible termination, and/or civil and criminal liability.
- B. Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits. Users connected to the network have a responsibility to conserve these resources. As such, users must not perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with unauthorized uses of the Internet.
- C. Users expressly waive any right of privacy in anything created, stored, sent or received using the police department's computer equipment or Internet access.
- D. Unless expressly authorized to do so, users are prohibited from sending, transmitting, or otherwise distributing proprietary information, data, or other confidential information belonging to the police department or the City of Hobbs. Unauthorized dissemination of any such material may result in disciplinary action as well as substantial civil and criminal penalties under state and federal laws.
- E. Allowable uses of computer systems and information include, but are not limited to the following:
  - 1. Facilitate performance of job functions
  - 2. Communication of information in a timely manner
  - 3. Coordinate meeting for departmental business
  - 4. Communicate with other city departments
  - 5. Communicate with outside organizations as required to perform an employee's job function.
- F. Prohibited uses of systems and information include, but are not limited to, the following:
  - 1. Illegal activities
  - 2. Slander
  - 3. Defamation
  - 4. Political endorsements

**CHAPTER 3**

**SECTION 25 – COMPUTER SYSTEM SECURITY**

**PAGE 2**

5. Commercial activities
6. Violation of any other city policy.

**III. EMPLOYEE RESPONSIBILITIES**

**A. Employees shall adhere to the following practices:**

1. Regular deletion of unneeded files, as permitted by records retention schedules, especially those stored on shared computer resources.
2. Electronic viewing of documents rather than printing, when possible.
3. Keeping disk space use to a minimum.
4. Maintaining e-mail boxes by deleting old messages and sent files.
5. Check e-mail accounts each work day.

**B. Prohibited practices include:**

1. To ensure system security and avoid the spread of viruses, users accessing the Internet through a computer attached to the police department network, must be connected to an approved Internet firewall or other security device. Bypassing the computer network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer is not connected to the police department network.
2. The use of computer generated sounds or visuals that are disruptive or offensive to coworkers.

**IV. USER IDENTIFICATIONS AND PASSWORDS**

- A. User identifications and passwords establish accountability for activity performed on police department computer systems and all actions performed are the responsibility of the person who has been assigned that user identification. Employees will not share their personal user identification or password, or use their identification or password to log onto the police department computer system for another person. The exception to this would be giving this information to the Computer Operations Section for them to perform their job function.
- B. The IT Department must be immediately notified if any unauthorized use of user identifications or passwords is detected, or if unauthorized use is suspected.
- C. All employee created passwords or identification should be made available to the IT Department, as needed, to facilitate maintenance.

**V. SOFTWARE**

- A. Users may not illegally copy material protected under copyright law or make that material available to others for copying. Users are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material they wish to download or copy.
- B. Personally owned software, freeware and shareware will not be loaded on police department computers unless approved by the IT Department. Personal software will be removed if it conflicts

with the police department's hardware or software, interferes with the ability of other employees to access or utilize the computer or occupies excessive storage space.

- C. Files obtained from sources outside the police department, including disks brought from home, files downloaded from the Internet, news groups, bulletin boards, or other online services, files attached to e-mail, and files provided by customers or vendors, may contain dangerous computer viruses that may damage the computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from sources outside the police department, without first scanning the material with virus checking software approved by the IT Department. If it is suspected that a virus has been introduced into the network, the IT Department will be notified immediately.

## **VI. INTERNET**

- A. The Internet is a worldwide network of computers that contain millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk and the police department is not responsible for material inadvertently viewed or downloaded by users from the Internet.
- B. The police department has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

## **VII. E-MAIL**

- A. E-mail messages are the property of the City of Hobbs, not its employees, vendors or customers. Accordingly, city employees should have no expectation of privacy with regard to e-mail they generate and receive. The Hobbs Police Department reserves the right to monitor any e-mail message either generated or received by a police department employee.
- B. Employees may use e-mail for occasional and incidental personal communications, so long as its use is otherwise consistent with the policies contained herein.
- C. Users must recognize that Internet technology makes it easy to replicate or edit a message and distribute it to many people without the knowledge or consent of the author.
- D. Do not communicate police department sensitive or confidential information unless you are explicitly approved to do so. Sensitive information includes, but is not limited to, the following:
  - 1. Case information
  - 2. Investigative notes
  - 3. Individuals under investigation
  - 4. Personnel information

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**VIII. RECORDS MANAGEMENT SYSTEM**

Personnel authorized to access the Records Management System are assigned a user identification and password by the Administrative Assistant to the Chief of Police or the Records Administrator.

- a. New employees will be assigned a user identification and password at the time of reporting for duty.
- b. The employee's immediate supervisor will notify the Administrative Assistant or the Records Administrator of any departmental transfers, employee separation, or change in access requirements.
- c. A new password may be assigned at any time the integrity of the Records Management System is believed to be compromised or threatened.

**IX. DATA BACKUP AND STORAGE**

**A. Data backup**

1. Central Records are backed up on a daily basis automatically.
2. The data cartridges containing the backup information are changed daily.

**B. Data storage**

1. All data cartridges are stored on-site in a fire proof safe.
2. An additional cartridge is stored off site in a bank vault.

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**SECTION 26-- VIOLENT CRIMES HOTLINE**  
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**I. STATEMENT OF PURPOSE**

The Violent Crimes Hotline was designed to encourage citizens to report to the Police Department information which may help prevent crime, with an emphasis on violent crimes.

**II. GUIDELINES**

- A. The telephone is answered in the Communications Center and will be answered "Violent Crimes Hotline".
- B. A Violent Crimes Hotline form is filled out with every call. While this form is a guideline and should be completed with as much information as possible, training and dispatch skills should be utilized to solicit additional beneficial information.
- C. This call is not logged into the CAD, unless the information being received indicates that there is a crime in progress or that it will take place within minutes.
- D. During the phone call the caller should be asked if he would like to speak directly with a police officer and if so, ask them to either hold while the call is transferred or if they prefer, an officer or detective may call them back.
- E. Once the form is completed, the Telecommunications Officer will contact the on-duty Patrol Services supervisor noting the date/time and the supervisors name on the form. A copy of the form will be maintained in a notebook located in the Telecommunications Supervisors office with the original being provided to the Patrol Services supervisor.
- F. If a caller wishes to provide information which concerns a crime which is non-violent in nature, the TCO will take the information but completing the form is not required. However, it may be necessary to make a call in the CAD based on the information.
- G. Upon receipt by the Patrol Services supervisor, he will evaluate the information and take appropriate action.
- H. The appropriate action should be made based on the training, knowledge and experience of the officers involved and the quantum of information. Additional information may be necessary to support reasonable suspicion or probable cause.
- I. If any report (criminal or non-criminal) is generated by the information, the form will be attached to the report. If no report is generated, a brief description of any action (or non-action) will be provided on the form by the Patrol Services supervisor and then forwarded to the Criminal Investigations Lieutenant for review and filing.

**III. ANONYMITY**

This system was designed to provide anonymity to the caller. However, under certain circumstances a trace of the phone line may be necessary to intervene. For instance, if the caller appears to be in immediate danger or children are playing on the phone a trace would be appropriate. If this is done, the reason for the trace and any additional information is required to be added to the form.

## ***CHAPTER 4***

### ***EMERGENCY/TACTICAL PROVISIONS***

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#### **1. OFF-DUTY RECALL/MOBILIZATION**

- I. Statement of Purpose
- II. Mobilization of Off-Duty Personnel

#### **2. SPECIAL WEAPONS AND TACTICS (S.W.A.T.)**

- I. Statement of Purpose
- II. Selection Criteria
- III. Team Components
- IV. Supervision/Responsibilities
- V. Training
- VI. Equipment
- VII. Mobilization of SWAT
- VIII. Tactical Situation Procedures
- IX. Response Outside Jurisdiction

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#### **3. EXPLOSIVE ORDINANCE DISPOSAL OPERATIONS**

- I. Statement of Purpose
- II. Definitions
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- IV. Telephone Threats
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- VII. Explosive Detection Dogs (E.D.D.)
- VIII. E.D.D. Team Deployment
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# ***EMERGENCY/TACTICAL PROVISIONS***

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- II. Authority
- III. Coordination with City-Wide Disaster Plan
- IV. General
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### **7. COMMUNITY ACTION TEAM (C.A.T.)**

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- II. Selection Criteria
- III. Structure
- IV. Duties and Responsibilities
- V. Use of Informants
- VI. Uniform
- VII. Contingency Fund

**I. STATEMENT OF PURPOSE**

The purpose of this policy is to establish guidelines for the recall or mobilization of off-duty personnel in emergency situations or for serious incidents requiring support from off-duty personnel.

**II. MOBILIZATION OF OFF-DUTY PERSONNEL**

A. In the event an emergency situation arises which cannot be adequately handled by current on-duty personnel, the on-duty supervisor will have the Communications Center contact off-duty personnel and advise them of the following.

1. Brief circumstances of the incident.
2. Location of where they need to report.
3. The need for immediate response or to be placed on a stand-by status.

B. Stand-by: If a situation arises that may require additional personnel, the Communications Center will contact off duty personnel and advise them of the following:

1. Brief circumstances of the incident.
2. Being placed on Stand-by status.
3. To remain available by telephone and be prepared to report for duty until further notice.

C. Rehearsal: Rehearsals are used to test the proficiency of department operation and specialized units. Officers are required to report for duty and participate in the situation.

D. Special Task Force Activation: A Special Task Force may be activated at the discretion of the Chief of Police as the need arises. Any such task force will cease to exist at such time that its task or purpose is completed.



**I. STATEMENT OF PURPOSE**

This policy is intended to establish guidelines for the use of the Special Weapons and Tactics Team (SWAT), and its personnel. The primary objective of this team is to save lives and resolve high risk situations with a minimum amount of force, personal injury and property damage.

**II. SELECTION CRITERIA**

A. Special Weapons and Tactics Team (SWAT) selections are made as vacancies exist. The notification for selection follows the guidelines established in Departmental promotions and transfers.

B. Assignment to SWAT is voluntary and open to all officers that meet and comply with the following criteria and requirements:

1. Must have served the previous year as a commissioned officer with the Hobbs Police Department.
2. Must display exceptional drive and dedication toward police service.
3. Must demonstrate a dedication to maintaining a consistently high level of physical fitness and satisfactorily meet the minimum fitness standards outlined below once a year.

C. Selection Process for SWAT

The process is assigned to unit leaders by the SWAT Commander. The process utilized may be amended by the SWAT Commander with the approval of the Deputy Chief based upon the specific vacant positions and team needs.

**Entry and Sniper Positions**

1. Applicants must complete the SWAT Tactical Obstacle Course and the Physical Readiness Test as required in the Physical Fitness Assessment Guidelines (PFA).
2. Applicants must submit to an oral interview.
3. Applicants must submit to a supervisor review.
4. Applicant's file will be subjected to review.

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**Perimeter Positions**

1. Applicants must complete the SWAT Physical Readiness Test as required in the Physical Fitness Assessment.
2. A current passing DPS qualifying score.
3. Applicants must submit to an oral interview.
4. Applicants must submit to a supervisory review.
5. Applicants file will be subjected to review.

### **PHYSICAL FITNESS ASSESSMENT (PFA) GUIDELINES**

The Physical Fitness Assessment consists of a Physical Readiness Test (PRT) and Tactical Obstacle Course (TOC).

To facilitate operational commitments or mission requirements, Hobbs Police Department will conduct an official PFA assessment at least twice a year, or at any time the SWAT Commander deems necessary. The testing will be held during the months of January and July.

- a. The Physical Readiness Test requires the completion of curl-ups/pull-ups, push-ups, and a cardiorespiratory event (timed run or walk). For existing team members and applicants, the required overall average score for all four events will be 80%, Perimeter Team members/applicants, the required overall average score for all four events will be 60%.

- b. The Tactical Obstacle Course will be required for Entry and Sniper team members which requires the completion of several designated stations requiring physical exertion and handling of various types of SWAT-assigned equipment to include Primary and Secondary Weapon systems. The course will contain twelve (12) targets, each with a failure drill (3 shots), to be completed within ten (10) minutes. Only two (2) misses will be allowed.

- c. Scoring - Pass/Fail

At the end of each Physical Fitness Assessment, the SWAT Commander has authority to determine whether non-participation was authorized or unauthorized. All unauthorized non-participation shall be considered a failure.

Failure to meet these guidelines will result in the member being placed on non-deployable designation until the test is passed satisfactorily. A member who fails the PFA will have a period not to exceed six months to pass the entire PFA. If the team member again fails the test, the member will be removed from entry/sniper position and placed onto the perimeter team. If then the member does not make a 60% on the physical readiness test, they will be removed from the team.

Any perimeter team member who fails and does not successfully complete the physical readiness test within six months, may be removed from the team

- E A list of qualified applicants, based upon the above selection criteria, is submitted to the SWAT Commander for final selection. Qualified applicants will be judged for overall suitability, with the most suitable being recommended to fill the position(s); if no suitable applicant is interviewed, the positions will not be filled. The final decision will rest with the Chief of Police or designee. It is the responsibility of the team commander to assign positions as needed to maintain the highest level of efficiency with the Special Weapons and Tactics Team. Officers that are assigned to the SWAT team do not have job ownership as to specific positional assignments or as to continued membership on the SWAT team, and are subject to be reassigned to different positions, within the team, as the needs of the team evolve, or may be removed from the SWAT team altogether for performance or disciplinary reasons as determined by the team Commander and recommended to the Chief of Police.

**F Selection Process for Sniper Team members**

1. Members that are to be selected for a position on the sniper team must have good decision making skills, and the ability to make those decisions quickly in the absence of the team leader and per the **USE OF FORCE** policy. The sniper candidate must possess a basic understanding of the concepts and principals of a police sniper and understand the liability that comes with the position.
  - a. Members that are assigned to the sniper team will have a twelve-month probation period in which the sniper will be evaluated on his ability to engage targets at known and unknown distances as well as his decision making skills.
  - b. Each month the sniper candidate will have to complete one cold bore shot in the presence of the sniper team leader. The twelve-month probation period provides realistic challenges to the sniper when contending with the weather and its effect on the rifle and ammunition.
  - c. The cold bore shot must be within the team standard which is one half inch at one hundred yards, regardless of weather and light conditions.
  - d. At the end of the probation period the team Commander and sniper team leader will review the sniper candidate's progress. It is at the discretion of the team commander whether the sniper candidate will be permanently assigned to the sniper unit.

**G Selection Process for Support Team Members**

1. A limited number of Communications personnel will be selected to fill these positions. To be eligible, the candidate must meet the following requirements:
  - a. Currently an Emergency Communications Specialist with at least one year experience in the Communications Section;
  - b. New Mexico certification in Basic Police Radio Dispatch.
  - c. Submit a written request for appointment via the chain of command;
  - d. May be required to demonstrate their ability to function in certain stressful situations.
2. Negotiators will be selected to be members of the SWAT Team.
  - A. To be eligible, the candidate must meet the following requirements:
    1. Current police officer with at least one year experience in the patrol division;
    2. New Mexico Peace Officers certification;
    3. Submit a written request for appointment via chain of command;

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4. May be required to demonstrate their ability to function in certain stressful situations.
- B. The selection process may include, but not be limited to, the following:
  1. oral interview;
  2. file review;
  3. background investigation;
  4. dispatch scenario.
3. Support Team personnel will be chosen based upon their communicative ability, common sense, dependability, adaptability, maturity, work ethic, ability to work under stress, their availability for call out, and documentation in personnel and chronological files.

**III. TEAM COMPONENTS**

- A. The allotted number of Special Weapons and Tactics Team members is eighteen (18), otherwise named "Operations Team". This number is broken into four (4) smaller units categorized by their primary functions:
  1. the Sniper Team has four (4) or more members;
  2. the Negotiations Team has two (2) or more members;
  3. the Entry Team has six (6) or more members.
  4. the Perimeter Team has six (6) or more members
- B. In addition to their primary functions, each unit will be cross trained in other functions.
- C. Two (2) members of Communications will be utilized to provide on-scene communications support to the SWAT during emergency operations.
- D. All SWAT Team Members, including negotiators and communications personnel will be required to respond to a page or one-call notification. It will be the direction of the SWAT Commander or his designee should these personnel not have to respond.
- E. The SWAT Commander, Assistant Commander, and Members of the Operations Team may be eligible for SWAT Incentive Pay on the anniversary of their date of hire. Eligibility will be determined based on the following criteria:
  1. Members must attend all scheduled training and activations unless prior leave has been approved or they have been mandated by a supervisor to work another assigned duty. In these instances, the absence will be considered excused and no further action will be taken.
  2. Unexcused absences from training or activation are unacceptable and will not be tolerated. One unexcused absence will prompt a review of the member's availability status. A second unexcused absence within the calendar year will exclude them from the Incentive Pay. A third unexcused absence within a calendar year will prompt a recommendation for removal from the team.

3. Overall availability will be reviewed by the Commander or his designee and will be documented in the member's yearly evaluation. Criteria to be considered include training and activation attendance, monthly "One Call" responses, and a review of the SWAT callout log. The SWAT Commander or designee completing the SWAT evaluation supplement included in the member's yearly evaluation will designate whether or not the member is recommended to receive the incentive pay. The final decision will be made by the Chief of Police or his designee.
4. Must have served previous 12 months on the SWAT team.

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#### **IV. SUPERVISION/RESPONSIBILITIES**

##### **A. Special Weapons and Tactics Team (SWAT) Commander**

1. Is appointed by the Chief or his designee.
2. Appoints an Assistant Commander, as well as Unit Leaders for each unit.
3. Supervises, commands and controls the Special Weapons and Tactics Team and is responsible for tactical operations at the scene of a crisis situation.
4. Coordinates tactical operations through cooperation and communication with the on-scene commander during crisis situations.
5. Ensures that team members are properly trained and equipped for tactical operations. Operational plans, procedures, and equipment are reviewed annually and modified as needed.
6. Ensures that plans for tactical team mobilizations are current and that the communications center maintains an updated roster of SWAT personnel complete with phone and pager numbers.
7. Ensures that all tactical team members meet required standards of physical fitness outlined in Section II C.
8. Documents attendance and availability of SWAT members to determine eligibility for Incentive Pay.

##### **B. Assistant Commander**

1. Appointed by the SWAT Commander.
2. Assists the SWAT Commander in assigned duties.
3. Assumes control and responsibility of SWAT in the absence of the Commander.
4. Provides supervision to Unit Leaders & team members, including members of the Support team.

5. Ensures that all team members are properly equipped and briefed on assignments during tactical operations.
6. Ensures that all units are conducting training, cross-training and all equipment is being maintained correctly.

**C. Unit Leaders**

1. Appointed by the SWAT Commander.
2. Provides field supervision to assigned unit members.
3. Ensures that all team members are properly equipped and briefed on assignments during tactical operations.

**D. Tactical Team Members**

1. Officers who are assigned to the tactical response team serve in such capacities as an additional duty, over and above their regular assignments. Team members resume the duties of their normal assignments when not actively involved in a tactical assignment, operation or training.
2. Upon their appointment to the Special Weapons and Tactics Team each member will be issued equipment. It is the responsibility of the member to maintain this equipment in working order at all times. If equipment is damaged or malfunctioning it is the member's responsibility to notify the SWAT Commander of the problem and work with the SWAT Commander in replacing or repairing the equipment.

**E. Perimeter Team**

1. Officers who are assigned to the Perimeter Team serve in such capacities as an additional duty, over and above their regular assignments. Team members resume the duties of their normal assignments when not actively involved in a tactical assignment, operation or training.
2. Upon their appointment to the Perimeter Team each member will be issued equipment. It is the responsibility of the member to maintain this equipment in working order at all times. If equipment is damaged or malfunctioning it is the member's responsibility to notify the SWAT Commander of the problem and work with the SWAT Commander in replacing or repairing the equipment.
3. Attend all scheduled training and will cross train into other aspects of SWAT. Perimeter team members are deployed at the discretion of the Commander or his designee and will primarily be responsible for maintaining inner perimeter. Perimeter Team members may be utilized to take control of subjects inside target location.

**F. SWAT Support Team Personnel**

Primary responsibilities of Support SWAT personnel are as follows:

1. Command post radio operations.

2. Audio recording radio communications.
3. Maintaining log of situation changes.
4. Maintaining radio log of SWAT radio traffic.
5. Liaison with Department Communications section.
6. Other duties may become necessary depending upon the specific situation.
7. May be required to attend routine SWAT practice sessions as necessary.
8. May be required to respond to mock call-outs as necessary.

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#### **V. TRAINING**

- A. Periodic and regularly scheduled in-service training is conducted at the discretion of the SWAT Commander. The location and curriculum vary for each session and instructors are selected by training needs and team-related functions.
- B. In-service training includes, but is not limited to, readiness exercises, weapons and tactics, hostage and barricaded subject scenarios, high-risk search warrants, physical training and firearms qualifications.
- C. A record of all training sessions is maintained by the SWAT Commander. This includes copies of attendance records, training outlines or lesson plans, firearms qualifications records and proficiency records of each team member.
- D. The SWAT Commander or his designee will notify the L.C.C.A. Director in advance of the required training or mock activation for scheduling purposes.

#### **VI. EQUIPMENT**

- A. SWAT team members, based upon their assignment, are issued specialized equipment in addition to regularly issued equipment. Each member shall be responsible for the issued equipment. Supplemental equipment is kept in a secured storage area of the Police Department or the SWAT APC, under the control of the SWAT Commander.
- B. All tactical equipment shall be inspected at least once a month for operational readiness.
- C. Standard issue and special purpose weapons and ammunition utilized by SWAT are designated by the SWAT Commander in compliance with Department policy on approved weapons and ammunition.
- D. Special purpose SWAT weapons utilized by SWAT members are carried and utilized only by team members trained in the use and care of such weapons. Weapons will be maintained in the assigned units, unless otherwise directed by SWAT Commander.
- E. Special purpose Tactical munitions are provided as an alternative use of force. Special purpose munitions utilized by SWAT are carried and delivered only by team members trained in the use and delivery of such devices and only under the direction of the SWAT Commander or his designee. The

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shelf life will be checked during annual inventory and rotated out as practical. Special munitions include, but are not limited to:

1. Chemical agents
  2. Diversionary Devices
  3. Non-lethal Projectiles
- F. The SWAT uniform is one that has been approved by the Chief of Police. The uniform worn at a specific Tactical deployment is designated by the SWAT Commander.
- G. The command post, which is kept at the Hobbs Fire Department, is inspected at least once a month by the Fire Department.

## VII. MOBILIZATION OF SPECIAL WEAPONS AND TACTICS TEAM

- A. The Special Weapons and Tactics Team may be activated to respond to any situation where deadly resistance is being or may be encountered.
1. The safety of officers and citizens should be paramount in the decision to activate the team. Consideration should be given regarding the need for specialized officers and/or equipment to handle the situation.
  2. In situations regarding hostage or barricaded person(s), this administration shall encourage isolation, containment and negotiation. If hostage(s) haven't been harmed and there is no immediate threat to them, or if the barricaded person is alone, negotiation is the safest option. The suspect will be allowed to communicate only with the designated negotiator(s); no communications with family, friends, clergy, attorneys or media will be allowed, unless authorized by the SWAT Commander.
  3. In situations regarding the service of a potentially high risk arrest/search warrant, the *Risk Assessment Matrix* should be completed (whenever possible) to aid in the determination as to whether or not to utilize the team to execute the warrant. The *Matrix* is completed based upon known facts and other definitive information contained in the warrant affidavit, criminal history, law enforcement records, surveillance, and scouts of the location. The investigating Officer(s) who petitioned the court for the warrant should be directly involved in the completion of the *Matrix* due to their intimate knowledge of the situation.
  4. The Chief of Police or his designee may activate SWAT for any situation where SWAT would best fit the needs of the situation.
- B. When a supervisor determines that a situation requires tactical assistance, the supervisor will contact the SWAT Commander or designee, and apprise him of the situation. This may be accomplished through the Communications Center if necessary.
1. The SWAT Commander may direct the Communications Center to deploy SWAT and to make the appropriate staff notifications.

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2. Under extreme emergency conditions, any supervisor or acting supervisor may activate SWAT without prior approval. Snipers, rampaging gunmen, etc., are examples of extreme emergency conditions.
  3. The supervisor may request emergency personnel (ambulance, fire, etc.) respond to standby in a secure area.
  4. The supervisor will ensure that manpower is sufficient to handle the calls not related to the emergency situation. If necessary, he may call out additional officers and/or request assistance from the State Police and/or Sheriff's Department.
  5. Special Weapons and Tactics Team services are available to other law enforcement agencies upon approval by the Chief of Police.
- C. Special Weapons and Tactics Team members can be activated during any 24-hour period and may be required to respond to emergency situations during non-duty hours. Adequate team staffing must be continually maintained.
1. All vacation requests for team members must be approved by the SWAT Commander and will then be given to the member's immediate supervisor for approval.
  2. When away from their residence team member(s) will carry their cell phone with them or contact the Communication Center and leave a phone number where they can be immediately contacted, if needed.
  3. When leaving town, team member(s) will contact the SWAT Commander or Designee, as well as the Communication Center and leave a departure time and estimated return time, along with a phone number if available. This information will be logged by the Communication Operator in the call-out book.
  4. When leaving town for a period of more than 24 hours team member(s) will notify the SWAT Commander or his designee.
- D. Support Team
1. SWAT Support team will be activated upon the request of the SWAT Commander or his designee. This decision may be made immediately or after the situation has been assessed.
  2. The SWAT Commander or his designee shall have the authority to make the decision as to the number of Support Team members to activate and which members to activate.
  3. When the Support Team is activated, the on-duty Communications Supervisor will be notified as soon as possible for scheduling purposes.
  4. Support Team members shall place a copy of any vacation request forms in the SWAT Commander's folder.
- E. Communications Center Responsibilities

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1. Communications will utilize the One Call System to notify all SWAT members of any SWAT call out. The instructions for the One Call System are in the SWAT log book.
2. When Communications is notified of a SWAT call-out, the order of notification will follow the call-out sheet located in the front of the SWAT log book. This sheet will be utilized to document the time each member is notified, who made the notification and any comment that needs documentation. All notations will be made in pen.
3. If the One Call System is not working properly communications will notify SWAT by calling the number listed beside each member located on the call-out sheet. When contact is made with the member, they should be advised whether this is a real or mock call-out, unless instructed otherwise. This enables them to determine how they respond. If it is a real call-out, they should be advised as briefly as possible of the situation.

#### **VIII. TACTICAL SITUATION PROCEDURES**

- A. Once a supervisor has determined that SWAT will be activated the supervisor should:
  1. Attempt to insure that the scene is secure and establish an outer perimeter.
  2. Supervise support personnel and outer perimeter personnel to insure that the outer perimeter is secure and to provide traffic/crowd control as needed.
  3. If necessary, begin evacuation of adjacent buildings and residences. This will be done with utmost safety for citizens and officers. The removal of injured persons within the inner perimeter may be a tactical problem requiring evaluation procedures performed by SWAT rather than patrol officers.
  4. Maintain command until the SWAT Commander can be briefed and assumes responsibility of the scene.
  5. Keep SWAT Commander informed of any changes in the situation.
- B. Once the SWAT Commander arrives at the scene he assumes responsibility of the tactical situation. The SWAT Commander will coordinate all team activities and make assignments. The SWAT Commander may make changes to the perimeter in accordance situational needs. The SWAT Commander will establish a command post.
- C. Team members will keep the SWAT Commander informed of any changes in the situation as they develop.
- D. At the conclusion of an incident individual members of the Special Weapons and Tactics Team will complete the appropriate reports detailing their involvement in the incident.
- E. A debriefing with all team members will be conducted at the conclusion of the incident.

#### **IX. RESPONSE OUTSIDE JURISDICTION**

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A Memorandum of Understanding will be developed among agencies in Lea County which makes the Department Special Weapons and Tactics Team available to their agency. The utilization of the Special Weapons and Tactics Team by agencies in Lea County would be dependant on the following:

- A. The Lea County Sheriff's Department's SWAT team has already been activated;
- B. It has been determined that the incident will overwhelm the manpower or resources of the Lea County Sheriff's Department SWAT team; and
- C. It is approved by the Chief of Police or his designee.

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**SECTION 3 -- EXPLOSIVE ORDNANCE DISPOSAL OPERATIONS**

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**I. STATEMENT OF PURPOSE**

It is the policy of the Hobbs Police Department to respond to reports of actual or threatened use of bombs, explosive devices or abandoned or found explosives, in an attempt to reduce the risk to persons and property, to the extent possible.

**II. DEFINITIONS:**

**Suspicious Package:** Any package, which based upon the totality of the circumstances, may not belong in the environment in which it was located. Any action or circumstance that makes the package suspicious (ie. a package that is witnessed to be purposely abandoned, backpacks or bags left in a secure area, or packages/items left unattended).

**Unattended Packages/Items** Any item, when looking at the totality of the circumstances, that would normally be present in the environment in which the item was found (ie, a briefcase left in a conference room, or a beverage cooler at a football game).

**III. PROCEDURE**

- A. In any incident where an explosive or suspected explosive device is located, responding officers will not handle, or closely approach the device.
- B. The officer should refrain from using communications equipment (including mobile telephone) within 100 yards of the device or location where a bomb threat has been received. (Electromagnetic energy emitted by the radios may activate the device).
- C. Officers will assist with the evacuation of persons who are in the vicinity of the device. It is not possible to know prior to the explosion how large an area must be evacuated. Thus, officers must rely upon common sense judgment in advising evacuated persons where to relocate.
- D. Upon discovery of a device or suspected device, the PSD Shift Supervisor will respond to the incident location and make notification to the Division Captain via the chain of command. Based on the totality of the circumstances, the PSD Shift Supervisor may authorize the deployment of the Explosive Detection Dog Team (EDDT)
- E. Upon discovery of explosives or suspected devices, one of the following bomb disposal units will be requested to assist:
  - 1. New Mexico State Police Bomb Disposal unit;
  - 2. United State Army E.O.D., Ft. Bliss, Texas

It shall be the decision of these personnel as to the disposition of the device.

- F. At the conclusion of all incidents where bombs/explosive devices or hoax devices are discovered, the Federal Bureau of Investigation will be notified.

**IV. TELEPHONE THREATS**

Department personnel should attempt to obtain all information available to complete the 'bomb threat checklist'. Responding officers should obtain information that has not yet been obtained by dispatchers according to the

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### **SECTION 3 -- EXPLOSIVE ORDNANCE DISPOSAL OPERATIONS**

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following:

- A. The exact words of the person making the threat that will assist in identifying the person if they have made previous calls.
- B. Where the device is reported to be located.
- C. When the device is reported to detonate.
- D. What type of bomb, i.e.: "dynamite, pipe bomb, incendiary", etc.
- E. Description of the device.
- F. What is the motive for the bomb threat.
- G. Describe the voice of the caller including speech, rate, style, slang, profanity, characteristics including impediments, accent, etc.
- H. If the voice sounded familiar.
- I. Description of background noise.
- J. Date and time of the call.
- K. Length of the call.
- L. Is a recording of the call available.

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The Communications Center will immediately notify the Hobbs Fire Department during each response to a bomb/explosive device. The Fire Department will be asked to stand by the scene of each incident until it is determined that the threat is past.

#### **V. INCIDENT COMMAND**

- A. A security perimeter will be established for incidents which involve actual/suspected explosive devices. A security perimeter line will encompass the entire area where personal injury seems likely should an explosion occur. If necessary, a gathering area for individuals who are evacuated from the threatened area should be positioned near the perimeter. The determined gathering area will be checked by the EDDT prior to directing people to that area.
- B. For crowd control, the use of additional personnel, including officers from other agencies, may be necessary to ensure integrity of security perimeters.
- C. Searches will be conducted at the discretion of the on scene supervisor after considering the existing circumstances. Searches should involve a representative or someone familiar with the location whenever possible. In general, police searches should be organized with at least two officers to a team in conjunction with the EDDT, and the location will be searched in a systematic manner.
- D. In some threat incidents, representatives of the location may not want an area search conducted. If so, no search will be conducted.

#### **VI. EVACUATION**

- A. Evacuation as a response to a bomb threat is the decision of the representative (i.e. owner, manager, etc.) of the threat location. If any suspicious device has been seen, officers will strongly recommend evacuation. Officers will assist, to the extent possible, with evacuation of affected persons.
- B. Officers shall not forcibly remove persons that appear to be mentally competent. In order to accomplish or assist with evacuations, officers will report resistance to evacuation attempts to their immediate supervisors who will attempt to persuade those persons to evacuate.

- C. A supervisor will establish communications with a Fire Department supervisor as soon as possible.
- D. A detective may respond to assist in the initial investigation and follow-up efforts.

**VII EXPLOSIVES DETECTION DOG**

Explosives Detector Dog (EDD) Teams fill three distinct roles in police field services:

- A. **Deterrence:** Public knowledge that EDD Teams are available will act as a deterrent for person who may try to use explosives illegally.
- B. **Search:** The most common use of an EDD Team is to search areas or buildings in which a threat has been made. The EDD Team can conduct a significantly more effective search of any area or facility in a shorter time frame than almost any number of people. Using an EDD Team also helps to reduce the potential risk to persons who would otherwise have to conduct a search without the aid of the dog's superior sense of smell.
- C. **Investigation:** EDD Teams can be useful in many investigations involving almost any type of weapon, ammunition, or explosives. They are particularly useful if there is a need to locate one or more items which may have been hidden in an area.

**VIII. EDD TEAM DEPLOYMENT:**

The EDD Team deployment criteria is as follows:

- A. The EDD Team can be used for preventative sweeps for VIP's, sporting events, and special events for gatherings of large crowds.
- B. When a credible threat has been made against an area or specific building.
- C. The EDD Team will not be used to identify whether a single suspicious or unattended package is an explosive device. Contact should be made with trained Explosive Ordnance Device personnel.

**IX RESPONSE TO BOMB THREATS BY THE EDD TEAM:**

The procedures provided here as a guideline should be used during both actual bomb threats and training scenarios. Due to changing variables during an incident, these steps may or may not apply.

- A. The type of threat received and department policy will determine the initial action to be taken in response to an actual bomb threat. The EDD Team will be deployed if there appears to be a credible threat at the discretion of the PSD Shift Supervisor.
- B. Specific areas being searched by the EDD Team should be evacuated prior to deployment of the dog in order to limit distractions.
- C. If possible a person familiar with the area to be searched will accompany the EDD Team for the purpose of identifying suspicious or unusual items during the search

- D. A minimum number of emergency personnel may be needed to accompany the EDD Team for the purpose of note taking. These personnel will be briefed by the EDD handler as to the actions to be taken during the search should the EDD respond to an explosive odor.
- E. The search should be as thorough as possible; however, nothing should be moved or disturbed (i.e.; lights that are off should stay off). Improvised Explosive devices (IED's) or home-made bombs can be triggered in an almost infinite number of ways. Methods include lifting, tilting, pushing, pulling, or other movements, as well as sound, light, heat, and by remote control. IED's can be disguised to look like anything. No object can be automatically ruled out.
- F. Searches of locked rooms can usually be skipped until open room searches have been completed. The exception to this is if there is evidence of forced entry. Once a room has been cleared by the EDD Team, the room will be marked as cleared.
- G. If the person making the bomb threat gave a specific time for the bomb to go off, the area should be evacuated of all personnel, including search personnel, for a minimum of 30 minutes. All personnel should be kept a minimum of 100 yards from the area/building being threatened.
- H. After the area or building has been cleared by the EDD Team, persons familiar with the area will need to check to ensure nothing unusual or suspicious has been added to their specific area.

**X. POSITIVE RESPONSE BY THE EDD**

- A. When the EDD shows an increased interest in or responds on an object, the handler will remove the dog from the area and the object and continue the search. Any accompanying personnel will exit the area/building on the same path which was used to enter. The on-scene supervisor will be advised of the response. Information as to the exact location and any other pertinent information will be reported.
- B. Only EOD or specially trained personnel will attempt to move, open, or tamper with any object suspected of being an explosive device.

**XI. POST EXPLOSION PROCEDURES**

The immediate area of any explosion should not be entered until the threat of further explosion has been reduced and the scene secured by qualified personnel.

When the danger to personnel and citizens has been reduced, the location of an explosion should be treated as a crime scene and processed for evidence.

**I. STATEMENT OF PURPOSE**

The Department's dignitary protection functions are conducted with the safety of the protected and officers as the foremost consideration. Personnel from all Divisions may be called to assist with this function.

**II. DEFINITIONS**

- A. Dignitary: For the purpose of this section, a dignitary refers to a person who, because of their notoriety, political activity or circumstances, may be a security risk.
- B. Intelligence Officer: For the purpose of this section, an Intelligence Officer is a member of the Department whose role is to provide information and gather intelligence to assist others involved in Dignitary Protection.

**III. PROTECTION OF THE DIGNITARY**

- A. The Chief of Police will designate a supervisor of the dignitary protection detail.
- B. In the event that the dignitary has a security detail, the supervisor shall work with the person in-charge of that detail for coordination of efforts. The supervisor will assign as many officers as necessary to provide adequate security of the dignitary.
- C. If additional manpower is needed the Chief of Police will contact other law enforcement agencies for assistance.

**IV. SECURITY MEASURES**

- A. The supervisor will coordinate travel routes for the dignitary. Routes will be preplanned and traveled by the supervisor along with the dignitary's staff to identify hazards or problems that may arise. Alternate routes shall be planned.
- B. The supervisor will make advance inspections of any sites or facilities to be visited or used by the dignitary. Ingress and egress of the locations shall be noted as well as any other security problems observed.
- C. When the dignitary is accompanied by a detail, such as the Secret Service, the supervisor assigns an Intelligence Officer to work with the detail. This Officer will check on persons that may be hostile to the dignitary. If the dignitary does not have a security detail, the Intelligence Officer may still be utilized.
- D. The supervisor arranges for EMS personnel to be available on standby or involved in the security program if deemed necessary. Planning for the most direct route to the hospital will be made. Medical information on the dignitary is provided to the hospital if available.
- E. The supervisor insures that communications are established between the dignitary's party and the local communications center. In the event of a motorcade the supervisor will offer to make communications available between each unit of the motorcade and the communications center.
- F. The supervisor arranges for any special equipment or vehicles needed.
- G. Plain clothes officers assigned to the detail should wear some type of special designation, and carry official identification.



**I. STATEMENT OF PURPOSE**

In the event of a natural or man-made disaster, the Department has established the following guidelines and procedures to provide for coordination of law enforcement activities to ensure the safety of life and property.

**II. AUTHORITY**

- A. Authority for the implementation of the Department's emergency disaster plan lies with the Chief of Police or his designee. The Chief of Police directs emergency operations from the Emergency Command Center in coordination with other responding agency representatives.
- B. The Deputy Chief or his designee is responsible for the planning and response to disasters and unusual occurrences. He is the principle advisor to the Chief of Police and acts as liaison with Civil Defense authorities and other agencies. He is responsible for the annual review and update of the Department Emergency Disaster Plan.
- C. The Deputy Chief designates Patrol Services Lieutenants to act as the primary and alternative Emergency Operations Commanders.
- D. The Deputy Chief is responsible for the coordination of communications and coordinating with other City Department Public Information Officers for the release of accurate and updated information. The Public Information Officer maintains contact with news media personnel and conducts adequate media briefings in efforts to quash rumors and prevent public panic.

**III. COORDINATION WITH CITY-WIDE DISASTER PLAN**

During periods of emergency, when the City of Hobbs Emergency Disaster Plan has been implemented and the Emergency Command Center is operational, the Department coordinates its efforts with Fire/EMS operations. The Chief of Police or his designee directs the activities of the Department from the Emergency Command Center.

**IV. GENERAL**

**A. Patrol Services Division**

**1. Emergency Operations Commander**

- a. The Emergency Operations Commander will determine manpower needs based on 12-hour shifts.
- b. Ensure that both on-duty and off-duty personnel have been notified, briefed and mobilized as necessary.
- c. Locate and review any maps which could assist in the operation.
- d. Evacuate and/or set up perimeter as necessary.
- e. Establish a field command post if necessary.
- f. Provide casualty information to the staff as available.

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- g. The Department's Public Information Officer shall be kept up to date and informed as often as possible by the Scene Commander as to current conditions and progress of the operation.
- h. Supervise post-disaster, de-escalation and resumption of normal activities.
- i. Submit after-action reports to the Chief of Police.

**B. Officers**

1. Report promptly to the police department or assigned assembly area to receive assignment and equipment and be prepared to work a 12 hour shift.
2. Perform assigned functions as directed, including emergency protective measures for the protection of life and property, traffic control and direction, crowd control, evacuation and containment of the disaster area.
3. Available Department personnel may be assigned to key areas of the incident/operation, including but not limited to:
  - a. Perimeter control;
  - b. Traffic direction and control;
  - c. Temporary morgue/casualty information;
  - d. Property recovery and disposition;
  - e. Evacuation;
  - f. Public facility security;
  - g. Arrest/transportation needs;
4. Traffic direction and control is the primary responsibility of the Police Department.
  - a. An outer perimeter should be established to secure the area. Access to a disaster area will be limited to residents, emergency services and utilities. Officers should promptly remove all unauthorized persons.
  - b. Maintain open emergency lanes to provide for the free flow of emergency vehicles and equipment. Officers will report streets which are accessible to emergency vehicles as well as streets that are clear through the disaster area. If needed, street cleaning equipment may be requested through the Communications Center.
5. Assist with the care and removal of the injured, as well as the removal and identification of any casualties.
6. Maintain conspicuous police patrols for the protection of life and property, as well as preventive measures.
7. Prepare reports as required or necessary.
8. Officers should be cognizant of the city shelter areas and direct people accordingly.

- a. Victims in need of first aid will be directed to the staging area where medical aid and transportation will be located.
- b. If the victim is not movable, their location will be relayed to EMS personnel and a route will be provided for transportation.
- c. People who are unable to locate a relative should be directed to the centralized shelter where a list and disposition of victims will be kept.

**C. Communications**

1. An inter-jurisdictional communications network, consisting of telephone, teletype, and radio facilities, serves to perform the basic communication needs for emergency operations.
2. While public safety communication systems may be insufficient to meet the communications demands created by a major disaster, the City of Hobbs has other sources of communication, such as amateur radio operators and business/industry radio communication systems.
3. When mobilization is ordered, the on-duty Communications supervisor shall immediately notify the Division Commander who takes charge of the Communications Center as soon as practical. The Division Commander:
  - a. Restricts the Communications Center to necessary personnel;
  - b. In the event the mobile command post is utilized, designates a dispatcher to dispatch from the mobile command post;
4. Communication personnel will have immediate access to references for emergency contact information.

**D. Chain of Command**

1. The established Department chain of command shall be strictly adhered to during emergency operations unless otherwise directed by the Chief of Police.
2. Outside law enforcement agencies, aiding with the emergency, shall report to the emergency operations commander for assignment. Personnel from other law enforcement agencies shall adhere to the Operation's Chain of Command.

**V. NATURAL DISASTER**

Natural Disasters can take many forms from ice and wind storms to tornadoes. It is considered any natural phenomenon which has the potential of widespread or severe damage, injury, or loss of life or property.

**A. Supervisors**

1. Upon observation of a tornado, it will be the responsibility of the on-duty field supervisor to assign an officer in an area southwest of the tornado, if possible, and attempt to follow and report the path and destruction. The Communications Center will be notified as soon as practical of the boundaries and extent of destruction.

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2. Officers

- a. In the event this community becomes the target of a natural disaster, off-duty officers will proceed to their homes to prepare for emergency duty. Necessary gear should be checked (raincoat, jacket, flashlight, etc.) and the officer should be prepared to report for duty when recall and mobilization is initiated.
- b. Officers in the field should be assigned as spotters on the perimeter of their districts and report any unusual weather conditions or extensive damage.

**VI. MAN MADE DISASTERS**

Manmade disasters can take a multitude of forms however in general it means an occurrence or imminent threat which is the result of a manmade act affecting any number of citizens through widespread or severe damage, injury, or loss of life or property.

A. Scene Commander

1. The first supervisor on the scene immediately assumes command and is designated as Scene Commander until, or unless, relieved by a higher authority. It is the responsibility of the Scene Commander to:
  - a. Make a rapid survey of the scene and assess the seriousness of the situation.
  - b. Notify the Chief of Police of the current status of the situation to include the following:
    1. Manpower needs;
    2. Route open to the scene;
    3. Location of a suitable staging area and parking area.
  - c. Establish a field command post; and
    1. notify the Communications Center and the Chief of Police of the location;
    2. determine any communications available;
    3. determine the specific equipment needed.
  - d. Supervise operations and maintain communications with the Communications Center.

B. H2S Release

1. Since officers are not equipped to enter an H2S scene, their primary responsibility is to establish a safe perimeter, notify the on-duty supervisor of the situation and request the Communications Center contact other pertinent agencies.
2. The on-duty supervisor should notify the Watch Commander and confer with the appropriate Fire Department personnel regarding establishment of a safe perimeter.

C. Explosion

1. The first officer on the scene shall immediately notify the Communications Center of the following:
  - a. Exact location;
  - b. Extent of injuries and number injured, if possible;
  - c. Extent of damage, if accessible;
  - d. Manpower needs assessment, including utilities and EMS/Fire.

**VII. TRANSPORTATION**

Transportation resources:

- A. B&G Transportation
- B. Ramirez Bus Co.
- C. City of Hobbs
- D. Lea County Detention Facility
- E. National Guard

**VIII. EVACUATION OF THE POLICE DEPARTMENT**

In the event that an emergency situation occurs in which evacuation of the Police Department is required, the ranking on-duty patrol supervisor will determine to what degree the Police Department will be evacuated. The supervisor will ensure that staff notification has been made. This can be done through the Communications Center.

A. Evacuation

The supervisor will direct the communication of warnings within the building.

1. Department personnel will be notified by use of the paging system within the department or telephone.
2. The on-duty supervisor will advise whether a complete or partial evacuation is required. In the event of a partial evacuation, the on-duty supervisor will specify the extent of the evacuation.
3. Evacuation of the building will be made at the direction of the supervisor.
4. Evacuation of the Detention Facility will follow the policies as established in the Detention Facility Manual.
5. Each employee should ensure that all files and doors in their areas are locked, if possible.

B. Duties after Evacuation

After evacuation, all personnel will report to the Command Center for assignment. These assignments may include, but are not limited to:

1. building security,
2. perimeter control,

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3. traffic control,
4. liaison with the Communications Center,
5. assignment to resource center, or
6. other duties as deemed necessary by the event.

**C. Duties at Completion of the Emergency**

At the conclusion of the emergency, personnel shall report to the Command Center for further instructions.

**IX. DE-ESCALATION PROCEDURES**

- A. Recovery begins as soon as emergency assistance arrives at a disaster. While recovery can take place quickly in some areas, other affected areas may require an extended period of time to recover from a disaster.
- B. Once the emergency stabilizes and begins to de-escalate, the commander will prepare for returning to daily police operations. This preparation shall include, but not be limited to the following considerations:
  1. Release of other agency personnel from emergency duty.
  2. Release of agency personnel from emergency duty. Agency personnel will be the final group released from emergency duty.
  3. A minimum recovery period of twelve (12) hours is needed before resuming daily police operations. This will provide relief for officers who would normally be reporting for duty at the next scheduled shift.

**X. AFTERMATH DUTIES**

- A. As the disaster situation is contained, the Chief of Police or Scene Commander issues the order to secure all posts associated with the operation and calls a debriefing for all involved personnel at the Police Department.
- B. Post-disaster personnel may remain in the field at posts designated by the Scene Commander.
- C. Within 48 hours after the incident, the Deputy Chief shall submit a written report detailing the events, any casualties and any revisions which need to be made to the emergency operation plans.
- D. Within 72 hours a Critical Incident Stress Debriefing may be provided for public safety personnel, when appropriate.

**XI. THREAT OR ACT OF TERRORISM**

The expanding scope and sophistication of emergency operations, along with increased possibilities of acts of terrorism, require law enforcement agencies to quickly act to stabilize and control emergency situations.

- A. The police department will recognize and utilize three different areas of alert. Those are identified as:

1. **Condition Green:** Status quo with daily operations continuing as normal.
2. **Condition Orange:** As recognized by the Department of Homeland Security, this will be cause for a heightened state of alert, with department members being aware and alert for an imminent change in the status or threat level. When this condition is declared, whether by news media or teletype notification, it will be the responsibility of the communications supervisor or senior TCO on duty to notify the PSD supervisor on duty and administrative staff.
3. **Condition Red:** When this status is declared by the Department of Homeland Security, the Hobbs Police Department "Condition Red" contingency plan for operational provisions will be put in place. When this condition is declared, whether by news media or teletype notification, it will be the responsibility of the on duty telecommunications supervisor or senior TCO to notify the PSD supervisor on duty and administrative staff.

Copies of this plan are maintained in numerous locations throughout the police department (i.e., administrative staff, detention facility, PSD Lieutenants offices, PSD Sergeants office, etc.)

- B. The Deputy Chief will designate an Incident Command System coordinator. This individual will have the following responsibilities, as well as other duties as assigned:
1. Yearly review of agency personnel on the "Condition Red" contingency plan as well as other training as determined to be necessary.
  2. Formalization of biennial training exercise, in conjunction with other emergency response agencies that will be documented. This can be a table top, actual exercise, and/or multiple agency involvement.
  3. A documented review every three years of incidents that are encountered and training exercises

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**I. STATEMENT OF PURPOSE**

In the event of unusual occurrences the Department has established the following guidelines and procedures.

**II. LABOR DISPUTES**

Labor disputes and strikes require more diplomacy on the part of police than many other police matters. Police may show no partiality in a situation so delicately balanced. Certain legal rights are offered each side and law enforcement must ensure that these rights are protected, by enforcement when necessary. The Chief of Police or his designee will make the determination as to whether or not officers will remain present at the scene of a strike or whether a close patrol will be maintained.

**A. General Policy**

The police will not "take sides" in a strike, they will enforce the laws impartially and be ever conscious of their personal conduct, courtesy and bearing. The officer protects both parties from personal injuries, property damage or the disturbance of public peace, and insures free passage of all citizens on the sidewalk and street.

Picketers enjoy the right of free speech and expression. They may carry banners and voice what they wish so long as they do not violate the rights of others, violate state statute or city ordinance.

Management has an obligation not to incite riots by outward provocation of the striking crowd.

**B. Close Patrol**

If it is determined that a close patrol will be kept of the area, the area officer will:

1. Monitor the crowd and activities on a regular basis and keep the on duty supervisor apprized of the situation.
2. If the situation appears to be getting out of control or a large crowd begins gathering it will be the on duty supervisor's responsibility to assign an officer(s) to remain at the scene.

**C. On Scene**

When assigned to the scene of a strike the officer(s) should abide by the following:

1. as long as the picketing is orderly, the inspection of the strike area will be made from across the street, or a short distance down the block;
2. if information is to be conveyed to the picket line then the officer will convey this information by speaking with the person in command (picket Deputy Chief);
3. if information is to be conveyed to management then the information should be relayed by speaking to the person in charge;
4. when it is determined that the situation may get out of control the on duty supervisor will assign officers to the picket line.



D. Arrests

1. If an officer witnesses a misdemeanor or felony he will take the appropriate action as in any other situation.

When an arrest is made the officer making the arrest will contact a unit to transport the prisoner to the detention facility.

- a. The arresting officer will remain at the scene until a replacement arrives at the scene.
- b. Once a replacement officer arrives, the arresting officer will respond to the jail and complete the appropriate arrest paper work and will then report back to the scene, if needed.

2. Reported violations that did not occur in the officer's presence will be handled as in any other situation.

E. Reporting Requirements

Officer(s) working strike duty will submit a combined memo summarizing the activities during their tour of duty and forward this through their chain of command to the Deputy Chief.

**III. RIOTS/CIVIL UNREST**

Once a civil disturbance has been identified, the area should be quickly sealed off and contained until the disturbance has been resolved. An unlawful assembly should be dispersed in a safe manner, if possible. Once removed, people should not be allowed to return. If applicable, officers are instructed to arrest violators who refuse to comply with lawful orders to disperse from the scene.

The on-duty supervisor will request assistance from the State Police, Sheriff's Department, and if necessary will mobilize off-duty officers to de-escalate the situation.

A. Communications

1. During an emergency, Channel One shall be designated for emergency traffic only until completion of the operation, unless a supervisor designates another channel.
2. If required, the Emergency Command Post will be activated and communications established from that facility.

B. Situation Maps

1. Situation Maps shall be maintained in the Communications Center to be used during emergency situations to visually plot the emergency area.
2. City maps or building blueprints of schools or public buildings shall be obtained and made available at the command post.

C. Scene Commander

The first supervisor on the scene immediately assumes command and is designated as Scene Commander until, or unless, relieved by a higher authority. It is the responsibility of the Scene Commander to:

1. Make a rapid survey of the scene and assess the seriousness of the situation.
2. Notify the staff through the Chain of Command of the current status of the situation to include the following:
  - a. Manpower needs;
  - b. Route open to the scene;
  - c. Location of a suitable staging area and parking area.
3. Establish a field command post and
  - a. notify the Communication Center and the staff of the location;
  - b. determine any communications available;
  - c. determine the specific equipment needed.
4. Supervise operations and maintain communications with the Communication Center.

D. Chain of Command

1. During emergency situations, the established chain of command shall be strictly adhered to.
2. Other law enforcement agencies responding to aid the Department shall adhere to our established chain of command, unless otherwise directed by the Chief of Police.

E. Community Relations/Public Information

1. The purpose of effective community relations/public information is to maintain 'public confidence', while keeping the public informed concerning any threatening emergency situation.
2. The Department Public Information Officer is responsible to establish effective collection, control and dissemination of emergency public information, to minimize confusion, misinformation and for rumor control.
3. If the emergency is strictly a law enforcement problem, the Public Information Officer shall keep the media briefed of the emergency situation as it progresses, without jeopardizing security objectives.

F. Court/Prosecutorial Liaison

In the event a civil disturbance involves mass arrests, the Investigative Service Division will maintain liaison with the appropriate prosecutor and courts, seeking legal advice and direction, as necessary.

**G. Military Support**

The Chief of Police may request the City Manager and Mayor request additional support through the New Mexico National Guard consistent with the city's Emergency Operations Plan.

**H. Traffic Control**

1. During a civil disturbance within the city, the Department is responsible to provide traffic direction and control, including barricading off designated streets.
2. The Scene Commander is responsible to establish perimeters, sealing off the affected area, while routing traffic away from the location.

**I. Equipment**

1. Uniformed officers are issued equipment which should be utilized during civil unrest. These may include the following:
  - a. Helmet
  - b. ASP baton
  - c. OC Spray
  - d. Flashlights
2. In a state of emergency, the Chief of Police is authorized to acquire additional equipment, as needed.

**J. Mass Arrests**

During a civil disturbance, mass arrests must be handled quickly and efficiently, providing for transportation to jail, release on summons, and arrestee constitutional rights.

**1. Arrest**

- a. Before taking any immediate action, the Scene Commander shall determine how much assistance is needed to effectively execute the agency's plan.
- b. Once the order to disperse has been given, it shall be repeated and a reasonable time limit encouraging people to leave freely.
- c. Officers responding to a civil disturbance shall respond as an organized tactical team under the direction of a supervisor, not as individual police units.
- d. When incidents involving mass arrests are anticipated the Chief Detention Officer will be contacted ahead of time so the jail personnel can be prepared.
- e. If mass arrests are made, Department vehicles should be used to transport prisoners to the Hobbs Police Department Detention Center.
  1. The Sheriff's Department and State Police may be utilized to transport prisoners.

2. If larger capacity transportation is needed the on-duty supervisor should contact one of the following to arrange for buses:
    - a. City of Hobbs
    - b. B & G Transportation
    - c. Ramirez Bus Company
  - f. Prisoners will be promptly arrested and removed from the scene to the City Detention Facility or other designated facility.
  - g. Officers should remember that civil disturbances are highly publicized events, whereby police actions are rigidly scrutinized by the public.
2. Booking
- a. Officers shall adhere to standard operating procedures in the booking process.
  - b. Since this type of activity may cause confusion, all venues will be utilized to ensure the identity of the individual prisoner is correct. Photographs and fingerprints shall be taken of all arrested for follow-up investigative and identification purposes.
  - c. If juveniles are involved, the JPPO will be contacted and asked to respond to the Detention Facility in order to quickly assess and recommend disposition.
  - d. The Municipal Court Judge and Court Clerk will be notified of mass arrests. Prisoners cited into Municipal Court shall be taken immediately before the Judge for arraignment and bonding procedures.
  - e. Confinement of Adult prisoners will be in accordance with standard operating procedures unless otherwise directed by the Chief of Police or his designee.
  - f. Prisoners remaining in department custody will be provided with the necessary needs, such as food, water and sanitation.
3. Defense Counsel Visits
- a. Prisoners will be given the opportunity to contact legal counsel after being booked.
  - b. Prisoners awaiting arraignment by the Municipal Court Judge shall be allowed to consult with legal counsel.
  - c. In most cases, defense counsel visits shall be allowed consistent with state and federal laws. However, security risks may delay these visits.
4. Medical Treatment
1. The Scene Commander will request an ambulance standby at a safe location.
  2. Prisoners requiring medical attention will be treated prior to being confined in jail.

3. Prisoners who are seriously injured will be transported by ambulance to the hospital. Security arrangements will be made as necessary.

**IV. COORDINATION WITH CITY-WIDE DISASTER PLAN**

During periods of emergency, when the City of Hobbs Disaster Plan has been implemented the Department coordinates its efforts with Fire/Rescue operations. The Chief of Police or his designee directs the activities of the Department from the designated Command Post.

**V. COMMUNICATIONS**

During periods of emergency the on-duty Communications Supervisor shall immediately notify the Communication Center Director who takes charge of the Communication Center as soon as practical. The Director should:

- A. Assign a Communication Center Dispatcher to accompany the Chief of Police to the Command Post.
- B. Restrict the Communication Center to authorized personnel only.
- C. Designate as many Communication Center dispatchers as necessary to accommodate the specific number of units assigned to the incident.
- D. In the event a mobile command post is utilized, designate appropriate dispatch staffing to operate the mobile command post.

**VI. PUBLIC FACILITY SECURITY**

- A. As many officers as necessary will be assigned to secure City of Hobbs facilities, to include the Police Department, City Hall and Municipal Court.
- B. In cases of a major civil disturbance officers will be provided for security of strategic support facilities such as public utility buildings, hospital facilities, etc.

**VII. POST OCCURRENCE**

- A. The Scene Commander shall direct personnel to perform such necessary duties as required to resume daily police operations.
- B. A debriefing will be held at the conclusion of the incident and a post incident report will be written to the Chief of Police by a designated supervisor involved in the incident, reviewing the operation and recommending any procedural changes, if necessary.
- C. Within 72 hours a Critical Incident Stress Debriefing shall be provided by the Department for those public safety personnel involved.

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**I. STATEMENT OF PURPOSE**

This policy is intended to establish guidelines for the Community Action Team (C.A.T.) and its personnel. The primary objective of this unit is to modify and develop strategies in an effort to confront current crime trends. The unit will identify, monitor, and gather information on active criminals. They will investigate for prosecution, and take enforcement action on, criminal behavior. The unit will actively assist other investigative sections of the Hobbs Police Department and other agencies as requested to deter criminal activity. They will serve as an intelligence gathering and sharing resource to monitor and identify criminal participants.

**II. SELECTION CRITERIA**

- A. C.A.T. selections are made as vacancies exist. The notification for selection follows the guidelines established in Departmental Promotions and Transfers.
- B. Assignment to C.A.T. is voluntary and open to all certified police officers that meet and comply with the following criteria and requirements:
  - 1. Must have served the previous year as a commissioned officer with the Hobbs Police Department.
  - 2. Must display an exceptional drive and dedication toward police service.
  - 3. Must be willing to work flexible hours and be on a 24 hour call status. Selectees must be willing to work on scheduled days off as determined by the needs of the department.

**III. STRUCTURE**

- A. The unit will be comprised of the number of officers and supervisors as determined by the Patrol Operations Captain and the Deputy Chief. These selectees do not have job ownership in these positions and can be reassigned as determined to meet the needs of the Hobbs Police Department.

**IV. DUTIES AND RESPONSIBILITIES**

- A. The following are the recognized responsibilities of the C.A.T. Supervisor:
  - 1. Keep the chain of command informed regarding incidents of importance or of an unusual nature; and
  - 2. Ensure that all intelligence information is properly documented, routed and disseminated to other department channels and affected personnel; and
  - 3. Ensure that the unit's activities are coordinated with other departmental divisions/sections and other agencies as necessary; and
  - 4. Maintain day to day operations of the unit and supervision of the personnel assigned to the unit; and
  - 5. Coordinate assignments within the unit and ensure they are completed; and
  - 6. Review all reports and other related documentation to ensure completeness and compliance with departmental guidelines.

**CHAPTER 4**

**SECTION 7-- Community Action Team (C.A.T.)**

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C. The following are the recognized responsibilities of the C.A.T. Officer:

1. Investigate criminal activity and ensure conformance with local, state and federal laws; and
2. Conduct periodic surveillance and intelligence gathering operations; and
3. Conduct periodic operations targeting specific criminal activity; and
4. Perform any duties as prescribed by the C.A.T. Supervisor.

**V. USE OF INFORMANTS**

Use of informants will be in accordance with Departmental use of Informants guidelines.

**VI. UNIFORM**

The uniform will be designated by the unit staff in accordance with the type of activity the unit will be performing.

**VII. CONTINGENCY FUND**

The use of contingency funds will be in accordance with Departmental Contingency Funds guidelines.

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## **CHAPTER 5**

### **SUPPORT SERVICES**

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V	Intake of Inmate Property
VI	Clothing Exchange/Searches
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## **CHAPTER 5**

### **SUPPORT SERVICES**

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## **CHAPTER 5**

### **SUPPORT SERVICES**

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#### **10. RECORDS FUNCTION**

- |     |                           |
|-----|---------------------------|
| I   | Statement of Purpose      |
| II  | General Services Provided |
| III | Report Entry              |
| IV  | Monthly Reports           |
| V   | Copies                    |

#### **11. RECORDS MANAGEMENT**

- |     |   |
|-----|---|
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| II  | Authority of State Law                          |
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| IV  | Definitions & Retention Schedules               |
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- |      |  |
|------|--|
| I    | Statement of Purpose                                       |
| II   | Definitions  |
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| IV   | Records Considered Public Records, Generally               |
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| XII  | Release of Arrest Record Information                       |
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| XIV  | Other Teletype Records Confidential                        |
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| XVII | Access to Police Policy References                         |

#### **13. PROPERTY AND EVIDENCE CONTROL**

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## **CHAPTER 5**

### **SUPPORT SERVICES**

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#### **16. MUNICIPAL COURT SECURITY**

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## **CHAPTER 5**

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**PAGE 1**

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(Rev. Date: 06/03/14)

**I. STATEMENT OF PURPOSE**

It is the responsibility of the Department to operate a Detention Facility that meets the needs of the community it serves and assures the protection of inmates' rights. In order to meet those objectives, the Detention Facility operates under a set of Standard Operating Procedures. The following guidelines have been established to work in conjunction with those Standard Operating Procedures.

**II. SECURITY MEASURES**

A. No person shall be allowed to enter the Detention Facility with a weapon or chemical agents in his possession, except in an emergency.

1. All persons entering the security perimeter of the facility will place their weapon(s) and less than lethal weapons in the designated secured lock boxes. This includes all firearms, ASP's, knives, Electronic Control Devices, etc.
2. If a person enters the security perimeter of the facility with a weapon or chemical agent he/she will be ordered out of the facility to secure their weapon. This may be accomplished by either a Detention Officer or other officer.
3. Any weapon(s) taken as evidence shall be left secured in the officer's vehicle.
4. Emergency Conditions: Any department issued weapon may be taken into the Detention Facility as a potential show or use of force under the following circumstances:
  - a. An inmate or prisoner poses an immediate threat to the safety of Detention Facility personnel, police officers, other inmates or prisoners, or himself/herself;
  - b. Less lethal weapons such as the Conductive Electrical Weapon or O.C. chemical spray should be considered as first options under these circumstances. Taking a firearm into the Detention Facility should be a last resort consideration and only if the use of deadly force would be authorized.
  - c. If possible, the on-duty patrol supervisor(s) shall be notified before taking any weapon into the Detention Facility.
  - d. In the event an officer takes a weapon into the Detention Facility, the incident will be thoroughly documented in an appropriate incident report. Officers shall use their issued recording devices under these circumstances.

B. Generally, no prisoners will be allowed to enter the Detention Facility until the officer has completed a persons search. This search should be observed by the Detention Officer.

**III. COMMITMENTS**

A. When an individual comes to the Hobbs Police Department to serve a sentence imposed by the Municipal Judge, a Detention Officer shall escort the individual from the lobby through the Sally Port. Upon contact with the individual the Detention Officer should ensure this individual is appropriate for commitment (i.e., not intoxicated, etc.).

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**SECTION 1 -- DETENTION FACILITY**  
**PAGE 2**

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(Rev. Date: 06/03/14)

If the individual is not appropriate for commitment, the Detention Officer shall refuse the individual and immediately contact his immediate supervisor.

- B. If an officer transports a commitment from City Court, the officer needs to complete a "Combined Detention Report." And assure that they have in their possession a copy of the Judgment and Sentence. No person will be admitted to the Detention Facility without a copy of this Judgment and Sentence signed by the Municipal Court Judge, unless it is determined by a member of the Command Staff that this person was causing a disruption in the court and he could not stay until the Judgment and Sentence was completed.
- C. Any person reporting to the Detention Facility to serve a sentence will be required to complete a Visual Body Search as provided elsewhere in this Chapter.

**IV. PROCESSING AN INMATE**

- A. During the booking process all the inmate's property will be taken from them. The property shall be listed on the Arrest Report. Any valuables (i.e., jewelry, money, credit cards, etc.) will be verified and initialed by the on-duty Detention Officer.
- B. If a change in the listed property needs to be made, the booking officer will be contacted to make the revisions. Any changes will be verified and initialed by the on-duty Detention Officer. If the booking officer is not available, the on-duty PSD Sergeant will be contacted.
- C. In the event the prisoner has a bag of some type (including purses) the contents will be checked to confirm any valuables or contraband. If none are found, it will be sufficient to note "purse with miscellaneous contents." Otherwise, any valuables should be listed as noted above.

If the prisoner is brought to the Detention Facility with a large amount of property, any excess should be tagged and logged into evidence for safekeeping or a relative located to take possession. Either way, this information should be noted in either the narrative section or any associated report.

- D. If medication is located, the container(s) should be checked and the amount of pills/liquid should be listed as if it were valuables. If the container does not indicate a prescription to the prisoner, it should be confiscated and tagged and logged into evidence for further investigation.
- E. The following items are considered contraband and shall not be allowed to be maintained in the property section of the Detention Facility:
  - 1. Alcohol
  - 2. Food items
- F. Before leaving the Detention Facility, the arresting/booking officer will ensure the on-duty Detention Officer is aware of the correct charge(s).
- G. Before leaving the Detention Facility, the arresting/booking officer will ensure whether his presence is needed for a clothing exchange.

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**SECTION 1 – DETENTION FACILITY**

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- H. Before an inmate is released, the on-duty Detention Officer must first request an N.C.I.C. check. The Detention Officer will obtain a copy of the teletype, check for outstanding warrants, then initial the teletype indicating that he has read it. The teletype is then attached to the arrest report. If any warrants are located, the on-duty Patrol Services Supervisor will be contacted.

**V. INTAKE OF INMATE PROPERTY**

The Detention Facility will accept property for inmates within the following guidelines:

- A. Inmate property will be accepted any day of the week.
- Only new, sealed packages of white clothing will be accepted.
- B. Money will be accepted in the form of cash or money order. At no time will a personal or third party check be taken. A receipt will be issued for all money received.
- C. No consumable goods shall be accepted.

**VI. CLOTHING EXCHANGE/SEARCHES**

The purpose of clothing exchanges and searches is to decrease the availability of contraband in the Detention Center, thereby increasing the safety of the prisoners and employees. Contraband is described as an item not specifically authorized to be retained upon admission to the Detention Facility.

- A. Pat Down: All arrestees entering the Detention Facility shall be subject to a pat down search. This is an inspection of the arrestee, using the hands, that does not require any removal of clothing. When practical an officer, of the same sex as the prisoner, will conduct the pat down. A pat down, using the following guidelines, will be completed in the sally port area prior to placing the subject in the booking area.
1. Run the subject's collar between your fingers, feeling for any hidden items, then proceed downward, running hands over their shoulders.
  2. Search each of the arms separately. Run both hands down the outside of one of the arrestee's arms to the shirt cuff, then move your hands up the inside of the arm to the armpit. Then search the other arm.
  3. Run your hands down the shirt front, checking the pocket and stopping at the arrestee's beltline. Then repeat the process checking the back cavity.
  4. Carefully run your fingers around the inside of the waistband, feeling for any small articles hidden there or hidden behind the belt.
  5. From the waistline, run your hands down the arrestee's buttocks, then move both hands to one leg and run them down the leg, checking all the way around it. At the bottom of the leg, make a point of checking the trouser cuffs. Repeat the process on the other leg.
  6. Run your hand over the detainee's lower abdomen and crotch carefully, looking for concealed articles that may be taped to these areas.

7. Once inside the booking area, instruct the arrestee to remove all items in his pockets and to turn them inside out, remove his hat, belt, jacket, any multiple layers of clothing, socks and/or stockings, and shoes. Place all items away from where the search will be conducted.
  8. Instruct the arrestee to stand with his back to you with their feet apart and arms extended outward or against a wall.
  9. Advise them to run their fingers through their hair, look into and behind both of the ears, inside their nose and into their mouth and under their tongue. Have the subject take both of their index fingers and run around the top and bottom of gum areas.
  10. Instruct the arrestee to lift their feet, one at a time and inspect the naked soles of the prisoner's feet.
  11. Inspect the clothing that was removed (i.e., jacket, belt, hat, shoes) and all personal possessions.
  12. After completion of the pat down, the metal detector will be used and any metal detected should be found and examined.
- B. Clothing Exchanges: Anytime a prisoner is brought into the Detention Facility, a clothing exchange will be conducted. The following guidelines will apply:
1. Clothing exchanges will be conducted by an employee of the same sex, out of visual contact with a member of the opposite sex.  
  
If the prisoner is violent and/or combative, for safety reasons it may be necessary for more than one employee to conduct the clothing exchange. It may also be necessary under these circumstances for members of the opposite sex to be involved. Each of these cases must be evaluated using discretion considering officer safety while at the same time ensuring the rights of the individual are not violated.
  2. Each piece of clothing will be inspected for any contraband, valuables, or other property which needs to be listed on the arrest report inventory. The clothing will then be placed into the designated clothing bags with the prisoner's name. Any property which was located during the exchange will be handled per policy as appropriate.
  3. Undergarments, after being inspected for any contraband, may be kept by the prisoner. Underwire bras, hosiery, and other clothing (including colored t-shirts, shorts, sweatpants) which could be considered a security or safety risk shall be removed.
- C. Visual Body Search: Upon arrival to the Detention Facility the arresting officer, utilizing the Request to Strip Search Form will get authorization from a supervisor to conduct a visual body search. A visual body search is defined as a visual unclothed, untouched inspection of all body surfaces including underneath the armpits, between the buttocks, and the genitals. A visual body search may be conducted if a pat down search reveals the presence of contraband or if the elements in the Request to Strip Search Form are met. The Request is an individualized, fact-based, reasonable suspicion for conducting a visual body search on the arrestee.



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**SECTION 1 – DETENTION FACILITY**  
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1. No visual body search shall be conducted unless the Request for Strip Search Form has been filled out and approved by a supervisor.
2. The Request for Strip Search Form will become part of the subject's arrest file.
3. It shall be the Patrol Services Supervisors responsibility to verify the Request for Strip Search Form is utilized per guidelines.
4. A notation shall be made on the arrest report if a visual body search is conducted and who conducted the search.
5. All visual body searches shall be conducted in a private windowless room by an employee of the same sex.
6. Instruct the arrestee to remove all of their clothing and place out of his/her reach. Provide the following instructions:
  - a. With the arrestee facing you, instruct them to lift their arms and carefully examine the armpit area. Look between their fingers, examine the arms looking for needle tracks and/or skin popping marks, check the backs and palms of each hand.
  - b. Check for any tapes or bandages on their body. If there are any bandages on them, instruct them to remove the bandage then replace it with a clean one before continuing the search.
  - c. Carefully visually examine the pubic, groin and vagina areas.
  - d. Require them to turn around, bend over and spread their buttocks. Look at the rectum to see if any contraband has been placed there.
  - e. Have the arrestee lift their feet, one at a time, so that you can examine the soles and the spaces between the toes carefully.
7. In the event that the arrestee is uncooperative, hostile or violent, it may be necessary for more than one employee to be involved. It may also be necessary under these circumstances for members of the opposite sex to be involved. Each of the cases must be evaluated using discretion considering officer safety while at the same time ensuring the rights of the individual are not violated. If the arrestee is uncooperative during the visual body search, the employee has discretion to touch the detainee in order to facilitate the completion of the search. However, at no time during the search will an employee touch the unclothed arrestee's breasts, buttocks, scrotum, genitals, or rectum.
8. After completion of the search, the employee who performed the search will document the findings and/or results on the arrest report.
9. After the visual body search has been conducted, at no time will the arrestee be housed naked.

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**SECTION 1 – DETENTION FACILITY**  
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10. At the end of the visual body search, hand the arrestee a Detention Facility uniform and shoes. Then inspect the arrestee's clothing and all personal possession.
  11. If a visual body search reveals the reasonable possibility that contraband may be concealed in a body cavity, a body cavity search shall be conducted as outlined.
  12. If during a shakedown in the Detention Facility, contraband is found, the Detention Officers may perform a visual body search of each inmate housed in that area using the above noted guidelines. If a Detention Supervisor is not on-duty, then a Patrol Services Supervisor will be contacted to approve the necessary paperwork.
- D. Body Cavity Search: A body cavity search can be conducted only if probable cause exists to believe the prisoner is hiding contraband on his body which was not discovered during the visual body search. A search warrant will be required. A body cavity search can only be conducted by a licensed medical physician at an authorized facility.
1. The arrestee shall be detained in a holding area, separated from other arrestees, until transported to the medical facility.
  2. The officer who determined that a body cavity search is warranted shall attend and be present during this search.
  3. After the body cavity search has been completed any findings and/or results will be documented on a supplemental narrative.

**VII. NON-POLICE PERSONNEL IN FACILITY**

- A. Due to security measures, only authorized persons shall be allowed in the Detention Facility. This may include Department employees or persons conducting business; i.e., being fingerprinted, delivery or maintenance persons.
- B. Tours of the facility will be considered on a case-by-case basis and must have prior approval of the Detention Administrator, the Captain of Support Services or the Chief of Police.
- C. At no time are persons under the age of eighteen allowed in the facility as a visitor.

**VIII. FINGERPRINTING/MUGSHOTS**

- A. All persons charged with a crime will be fingerprinted and photographed by the Detention Officer prior to release. The exceptions to this may be fingerprinting of juveniles who are under the age of thirteen (13).
- B. After completion, fingerprint cards and photographs will be processed by Records personnel.

**IX. VISITING HOURS**

- A. In order to accommodate all the inmates, visiting hours for the facility are as follows:
  1. Saturday -- 1:00 p.m. to 4:00 p.m. for inmates with last names beginning with A - L;
  2. Sunday -- 1:00 p.m. to 4:00 p.m. for inmates with last names beginning with M - Z;

- B. Inmates shall be allowed two (2) adult visitors per visiting day.

**X. TEMPORARY DETENTION**

- A. From time to time officers of this Department may arrest or detain an individual whom is not immediately booked into the Detention Facility. This may be due to the age of the arrestee, the need for interviewing prior to booking, etc. When this temporary detention occurs, the following guidelines should be followed:

1. Males, females, and juveniles shall be separated.
2. No person will be secured to a fixed object unless that object was designed and intended for such use.
3. No detainee shall be held for more than two (2) hours in a temporary detention area unless under the continuous control or supervision of agency personnel.
4. While in temporary detention a subject shall be given access in a timely manner to drinking water and a restroom.
5. The officer placing the subject in a temporary holding area is responsible for the supervision of that subject until relieved.

- B. The following security precautions should be taken:

1. Prior to placing a detainee in a temporary detention area the subject will be patted down.
2. Officers should make a security inspection of the temporary holding area upon placing a detainee there.
3. Prior to interviewing the detainee the officer/detective conducting the interview will secure his weapon in the gun lock box.
4. At least one officer/detective will be present who has access to a portable radio at all times.
5. A visual inspection should be made of the detainee at least every thirty minutes.
6. When an individual is being detained in a temporary holding area, the door will be locked.
7. If the detainee is a flight risk the temporary holding area in the Detention Facility should be utilized.

- C. The following areas have been designated as temporary holding areas:

1. The Holding Room located off of the Squad Room.
2. The interview rooms located on the Mezzanine Level.
3. The temporary holding area in the Detention Facility; and

4. When necessary other areas of the Department may be utilized however since they are unsecured, an officer would be required to have visual contact with the detainee at all times.

- D. Periodic roll-call training will be conducted covering this subsection to ensure all employees who are responsible for temporary detention are aware of department policy.

#### **XI. TRUSTEES**

- A. From time to time, the Detention Facility utilizes prisoners who have met certain requirements to perform as trustees.
- B. Any time employees enter the facility, they should be cognizant of the fact that a trustee could be unconfined.
- C. A prisoner may be chosen to be a trustee inside the facility without being considered for an outside work detail.
- D. Prisoners may be utilized a maximum of ten (10) hours at a time.
- E. If a sworn officer is assigned to guard a trustee, he must ensure that the trustee is not allowed tobacco products without the consent of Detention Facility staff.

#### **XII. SELECTION FOR TRUSTEE/WORK DETAIL**

- A. Prisoners wishing to be considered for trustee/work detail must complete an application and a waiver of liability.
- B. Upon receipt of the application the Detention Administrator will submit it to the Records Section for a criminal history and associated information. It will then be returned for determination.
- C. All trustees who are selected to work inside the Detention Facility are approved by the Detention Administrator.
- D. All trustees who are selected to work outside the Detention Facility are approved by the Captain of Support Services upon recommendations from the Detention Administrator.
- E. All prisoners may not be appropriate for assignment to a work detail. To assist in making this determination the following guidelines will be used:

The prisoner must:

1. have been sentenced to the City Detention Facility;
2. not have been sentenced for a violent crime;
3. not have a history which would demonstrate them to be a flight risk;
4. not have a history of violence against officers;

5. not have exhibited a need for retaliation.

F. Input may be solicited from detention officers in reference to the prisoner's attitude and conduct.

G. Consideration will be given to match the work detail to the prisoner when possible.

### **XIII. DETENTION TRANSPORT OFFICER**

#### **A. Work Detail**

1. The primary responsibilities of the Detention Transport Officer, in addition to the duties of a Detention Officer, are the transportation and security of prisoners involved in a work detail.

a. Any requests for work detail should be forwarded through the chain of command to the Captain of Support Services. Any scheduling will be coordinated through the Detention Administrator.

b. Due to security precautions, only the Captain of Support Services will know the specific schedule and location of a work detail until just prior to transport.

c. No more than four (4) prisoners will accompany a Detention Transport Officer on a work detail.

d. The Detention Transport Officer may select the type of restraint utilized depending upon the nature of the work detail.

2. Any employee may submit a memo through the Chain of Command either requesting a work detail or notifying of potential locations for a work detail.

The nature of a work detail may vary depending upon needs. It may include a variety of public projects, such as graffiti removal, painting, removal of trash and debris, etc.

3. Prisoners may be chosen for specific work details based on a variety of information which may include, but not be limited to, the nature of the work detail, location of the work detail and the nature of their criminal activity.

#### **B. Medical Transports**

If the Warrant Specialist is otherwise unavailable, and upon authorization of the Detention Administrator, the Detention Transport Officer may transport a prisoner for routine medical appointments or to a medical facility, following the guidelines set forth in Department policy.

#### **C. Arraignments**

If the Warrant Specialist is otherwise unavailable and with the authorization of the Detention Administrator, the Detention Transport Officer may transport a prisoner for court arraignments.

**D. Reporting**

1. At the completion of a work detail, the Detention Transport Officer will submit a report. This report will include the date and time, location and nature of the work detail, prisoners involved, total hours, and any significant occurrences.
2. A monthly report will be submitted through the Chain of Command detailing the efforts of the Detention Transport Officer during the month.

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(Rev. Date: 12/2/13)

**I. STATEMENT OF PURPOSE**

The Hobbs Police Department actively participates in the City's recruiting and selection program. The procedures and practices listed below will be used as a guide to the recruitment and selection of personnel for the police department. It is the Department policy to ensure all individuals are given equal opportunity for employment, regardless of race, sex, creed, color, age, religion, national origin or physical impairment.

**II. JOB ANNOUNCEMENT AND PUBLICITY**

- A. When openings are anticipated or there are positions that need to be filled, ads will be sent out to local and regional papers usually one month prior to a testing date. Ads will be sent to larger City newspapers and to trade magazines if an available pool of applicants cannot be established on a local or regional level.
- B. Advertisements should contain a brief description of the job opening, filing date and date of the written test. Ads will also contain location and phone number where applications can be obtained and an announcement that the city is an equal opportunity employer.
- C. Job notices should be posted with other City agencies, with community service organizations, targeted employee groups and with any other organizations that would benefit from the job announcements.

**III. APPLICATION PROCESS**

- A. Applications will be accepted when there are position postings. All applications must be filed through the City of Hobbs Human Resources Department.
- B. Applications will not be rejected because of omissions or deficiencies that can be corrected prior to the testing or interview process. However, incomplete applications will not be processed.
- C. Necessary contact will be maintained between the applicant and the agency from receipt of the applicant's packet to final employment disposition. This ensures any updates in applicant residence and telephone number as well as keeps the applicant informed of the status of his application.

**IV. SELECTION PROCESS**

Exact testing practices/procedures for each section listed below is contained in the application packet for that position.

A. Police Officer

Written Test	Pass / Fail
Background	-----
Oral Review Board	-----
Polygraph	-----
*****	
Drug Screen	Pass / Fail
Physical Fitness Demonstration	Pass / Fail
Physical Assessment	Pass / Fail
Psychological Evaluation	-----
Medical Examination	Pass / Fail

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(Rev. Date: 12/2/13)

	If hired to start Police Academy: Physical Fitness Test first day of classes	Pass / Fail
B.	Detention Officer	
	Written Test	Pass / Fail
	Background check	-----
	Interview	-----
	Polygraph	-----
	*****	
	Drug Screen	Pass / Fail
	Psychological Evaluation	-----
C.	Other Civilian Employees	
	Written and/or Skills Test	Pass / Fail
	Background check	-----
	Interview	-----
	Polygraph	-----
	*****	
	Drug Screen	Pass / Fail
	Psychological Evaluation	-----

1. All testing for police officers follows the guidelines as set by the New Mexico Department of Public Safety Training and Recruiting Division and the Law Enforcement Training Act, NMSA 29-7-1, 1978
2. The written test for police officer may be waived for State of New Mexico Certified Police Officers.
3. Eligibility List:

When police officer testing is to establish an eligibility list, only the written test will be given. The numerical score received on the written test will be the score by which applicants will be ranked on the eligibility list.

Applicants will be retained on the eligibility list for one year from date of test. However, if an application is more than three months old when a process is continued, the applicant must file a new application. Applicants may retest after 12 months if they want to improve their score.

Applicants who meet the requirements as shown above for certified New Mexico Police Officer will be considered first, and applicants with the highest numerical written test score will be considered next. Determination of the number of applicants from the eligibility list to be processed depends on the number of positions approved for hire.

The eligibility list is a means of assisting the Department in hiring qualified applicants and does not constitute a conditional offer of employment nor a guarantee of hire.



## V. TESTING STRUCTURE

All elements of the selection process only use those ratings criteria or minimum qualifications that are job related to a position for which candidates have applied for. Candidates are evaluated by a selection process that measures traits, characteristics and skills that constitute the essential functions of that particular position.

1. **Written Test:** Used to assess skills necessary for the job, and identify candidates who can read, write and perform mathematical computations at a level necessary for effective performance in law enforcement. Each candidate is given a sample written practice test prior to the exam being given. Applicants who do not pass this exam may re-test at the next scheduled exam but not before 12 months have elapsed. The tests are purchased from a vendor prior to the testing date and stored in a secure area in the Training Section until scheduled testing date. After testing, they are returned to the vendor for grading. The scores are then provided to continue the applicant processing. The tests are maintained by Human Resources indefinitely.

### \* THE ENTRANCE EXAM MAY CHANGE WITHOUT NOTICE\*

2. **Background check:** Review of the candidate's qualification credentials to include, but not be limited to, work history, personal history (including at least three personal references), criminal record, driving record, military record, etc.

Personnel who conduct background investigations are trained in collecting required information for the selection process.

Applicants who are disqualified due to the background investigation must wait twelve months from the date of completion of the background before reapplying. Applicant packets will be maintained by the Human Resources Department of the City of Hobbs for established time limits.

3. **Interview Board:** To measure traits that are significant or necessary to perform the job and demonstrate the candidate's ability to relate ideas and answer questions relative to the job. This is an element of the hiring process and is a tool used in conjunction with other pre-employment screening devices to establish a broader information base on which to make an employment decision. Applicants who are disqualified as a result of the oral review board must wait twelve months to reapply and schedule a second interview. Applicants may appear before the board only two times within a five (5) year period.
4. **Polygraph:** Examination to insure that the candidate is not being deceptive in the application process. Polygraph examinations are required of all candidates for most positions with the police department. Certain civilian positions, determined by the Chief of Police, may be exempt from this examination. Each candidate will be provided a list containing areas from which the polygraph questions will be drawn. This list will be included in the application packet.

Polygraph examinations and evaluation of results will be conducted by state licensed polygraph examiners. The results of the polygraph examination will not be used as the single determinant of employment status.

5. **Physical Fitness Demonstration:** Identifies if the candidate can perform the physical requirements of the position. Each candidate is given the requirements for this test when receiving the application.

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6. Psychological Evaluation: An emotional stability and psychological fitness examination of each candidate for most positions shall be conducted and assessed by a qualified professional prior to a final offer of employment. Certain civilian positions, determined by the Chief of Police, may be exempt from this evaluation.
7. Medical Examination: Examination conducted prior to a final offer of employment to certify the general health of each candidate. Standards are set by the state on certification of police officers.
8. Physical Assessment: A physical capability examination to certify the ability of each candidate to meet minimum physical exertion standards as established through job analysis.

NOTE: Records of all medical and psychological examinations are maintained in a separate and confidential file kept by the Human Resources Department of the City of Hobbs.

9. Drug Screen: Required of all candidates for positions with the City of Hobbs. Refer to City of Hobbs Personnel Manual for drug screen requirements and disqualifications.

All candidates for positions with the police department shall be processed as listed above and in a timely manner. This information is provided to each candidate in the application packet, and includes expected duration of the selection process and the policy on reapplication, retesting, and reevaluation of candidates not appointed.

**VI. INELIGIBILITY**

- A. Candidates determined to be ineligible for hire on the basis of the employment process will be informed in writing within 30 days of their rejection.
- B. All records of candidates not hired will be maintained by the City of Hobbs Human Resources Department. Access to these records is limited by the New Mexico Open Records Act.

**VII. PROBATIONARY PERIOD**

- A. Successful candidates for non-sworn positions with the police department will be in a probationary status for a period of six months or 1040 duty hours, whichever is longest.
- B. Successful candidates for police officer will be in a probationary status from the date of hire through a period of one (1) year after successfully passing the Police Officer Proficiency Examination for the State of New Mexico or from the Date of Hire for candidates who are currently a certified police officer in the for the State of New Mexico.
- C. Probationary periods may be extended due to injury or disability where the probationer is not actively working.

**VIII. EMPLOYMENT BONUS PROGRAM**

- A. Effective February 8, 2011, newly hired certified police officers may be eligible to receive a one time bonus of \$25,000.00 upon the completion of their fifth (5<sup>th</sup>) year of full-time continuous service with the Hobbs Police Department. This program shall apply to current New Mexico certified officers or out-of-state certified officers who successfully complete their State of New Mexico certification through certification-by-waiver training.

- B. Any officer who received a salary and/or academy tuition while uncertified and while employed by the City of Hobbs shall not be entitled to this Employment Bonus Program.
- C. Officers will not receive the bonus until their fifth (5<sup>th</sup>) anniversary date of employment as police officers during the duration of the five (5) year period.
- D. The Chief of Police, with the approval of the City Manager, will have final authority as to the eligibility of an officer to receive the Employment Bonus Program. The Employment Bonus Program may be terminated at any time to potential officers prior to their hiring.

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**I. STATEMENT OF PURPOSE**

The Department has an obligation to provide a professional standard of law enforcement for the City of Hobbs. In fulfilling this responsibility, it is essential that personnel are properly trained. This begins at entry level with required basic training, prior to assumption of police duties and continues throughout the officer's career on an ongoing basis.

Training is provided to accommodate Department needs and to actualize the interest and concern the Department has for the self-improvement and personal development of its employees.

**II. TRAINING GOALS**

- A. Provide job and non-job related training to all personnel.
- B. Train employees to be prepared to act decisively and correctly in a broad spectrum of situations.
- C. Enhance employee productivity and effectiveness through greater job knowledge.
- D. Foster cooperation and unity of purpose among personnel through common training.

**III. RESPONSIBILITIES**

- A. The Training Lieutenant has the following responsibilities:
  - 1. Review and revise any in-service training requirements on an annual basis and to ensure it includes Cultural Diversity, Use of Force, and Integrity and Ethics.
  - 2. Ensure administration of a training program for every employee who is promoted, to be given to the employee at the start of his tenure in the new position.
  - 3. Ensure administration of annual supervisory and leadership training (which includes command accountability, integrity, and cultural diversity issues), which is mandatory for all supervisors.
  - 4. Ensure every officer is trained frequently in policies, including use of force, use of force reporting; search and seizure, search and seizure reporting; Terry detentions (including the different evidence required at each of the two distinct phases: the detention and then any pat down that might occur); citizen complaint procedures; and training on any New Mexico appellate court decisions which affects police conduct.
  - 5. Supervise the training instructors and ensure they receive adequate training to enable them to carry out their duties.
  - 6. Coordinate with the Field Training Coordinator regarding FTO training being provided.
  - 7. Review complaints of police misconduct on a quarterly basis to gauge the effectiveness of policies and training and to detect the need for new or further training, then report to the Chief of Police or his designee.
  - 8. Maintain appropriate records documenting all training of officers.

- B. The Field Training Officer Coordinator has the following responsibilities:
  - 1. Coordinate with the Training Lieutenant concerning the FTO training being provided;
  - 2. Supervision of any field training provided by FTO's;
  - 3. Ensure the annual performance evaluations of FTO's cover their demonstration and proficiency.
- C. Immediate Supervisors have the following responsibilities:

To ensure any Field Training Officers and any officers under their command who are certified instructors maintain and demonstrate on a regular basis their proficiency in their areas of instruction through annual evaluations.

#### **IV. ROLL-CALL TRAINING**

- A. Roll call training is utilized to keep officers up-to-date between formal training sessions or disseminate information which may be specific to shift activities.
- B. Each shift within Patrol Services should utilize roll call training at least twice a month. Criminal Investigations should utilize roll call training at least once every three months.
- C. Anytime roll call training is utilized, each officer shall sign the approved documentation indicating his attendance. Attendance at roll call training is mandatory, therefore the Shift Supervisor should schedule roll call training to ensure compliance.
- D. The Training Lieutenant and Shift Supervisor are responsible for preparing topics and involving shift personnel in the instruction of such topics.
- E. At the end of each month, the Shift Supervisor provides necessary documentation to the shift staff detailing each topic covered and attendance records.
  - 1. It is the Shift Supervisor's responsibility to correctly, and in a timely manner, log the information in the training records.
  - 2. The original documentation of roll call training is submitted to the Training Lieutenant for filing.

#### **V. IN-SERVICE TRAINING**

- A. All sworn personnel are required to complete at least 40 hours of in-service training annually. This training consists of all training as designated by the Training Lieutenant including legal updates and cultural diversity, use of force, integrity and ethics and search and seizure law and methods.
  - 1. Cultural Diversity: This training includes at a minimum, training on racial profiling, racial targeting, police interactions with persons from different racial, ethnic, and religious groups, and persons of the opposite sex. In addition this training should include training in communication skills and avoiding improper racial, ethnic and sexual communications.

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2. Use of Force: This training includes verbal de-escalation techniques, as an alternative to the use of force and other tactics for avoidance of confrontation being emphasized. It also includes the proper application of various types of force, as well as examples of situations that do not require the use of force but may be mishandled, resulting in force being used (i.e., individual's verbally challenging an officer's authority or asking for an officer's identifying information.)
  3. Integrity and Ethics: This training covers the duties of truthfulness and reporting misconduct by fellow employees, the importance of avoiding misconduct, being professional and the duty to cooperate during an internal investigation.
- B. All scheduled in-service training should be posted on all department bulletin boards at least 4 weeks prior to the training date, when possible. In addition, a schedule of upcoming classes will be made available to all employees through the Training Lieutenant.
  - C. The Training Lieutenant is responsible for locating, scheduling or making available such training which meets the mandates.
  - D. In-service training is considered mandatory. If it is necessary for an officer to miss a scheduled in-service training, a written notice will be submitted through the officer's chain-of-command to the Training Lieutenant prior to the training. This will assist in scheduling any necessary make-up training.
  - E. It is the responsibility of the instructor to ensure that any lesson plans include a review of any appropriate policies. If the instructor is from an outside vendor, it is the responsibility of the Training Lieutenant to ensure any appropriate policies are reviewed.

**VI. TRAINING PROGRAM PROCEDURES**

1. Performance Objectives

Training programs must relate to job task analysis and incorporate performance objectives. These acquaint the trainee with the information he is required to know, the skills which must be demonstrated, and the circumstances under which such skills are used. Performance objectives should include:

- a. a focus on the elements of the job task analysis for which formal training is needed;
- b. clear statements of what is to be learned;
- c. a basis for evaluating participants in a given course of instruction;
- d. a basis for evaluating the effectiveness of the training program, by use of critiques and other accepted evaluating methods.

2. Instructors

- a. Department personnel assigned to an instructor position should meet the requirements as specified by the New Mexico Law Enforcement Academy.
- b. Officers with disciplinary records or three sustained complaints over the prior three years for constitutionally significant issues, including but not limited to, race discrimination, sexual

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harassment, excessive force, unlawful searches, seizures, or filing false charges shall be disqualified as instructors until two years have elapsed without such discipline or complaints in any areas in which they conduct training.

- c. Instructors will be provided adequate training to enable them to carry out their duties.
- d. Instructors will be required to maintain and demonstrate proficiency in their areas of instruction on a yearly basis through their annual performance evaluation.

3. Lesson Plans

- a. Lesson plans are made for all in-service training which is conducted by the Department. The instructor is responsible for developing the lesson plan to be used in any course he instructs.
- b. Lesson plans are filed for permanent record in the Training Section and include the following:
  - 1. statement of course objectives;
  - 2. major points to be addressed;
  - 3. instruction aids to be used;
  - 4. location of instruction; and
  - 5. type of training conducted.
- c. All lesson plans must be approved by the Training Section prior to instruction to insure that they are completed and that they meet Department guidelines on lesson plan development.

4. Testing

- a. In order to evaluate the participants of a training program, a pre-test or post-test may be required. Instructors use competency based testing that uses performance objectives and measures the participant's knowledge of job related skills. Passing and failing scores must be incorporated into the lesson plan.
- b. Test scores are utilized in evaluating training effectiveness and in development of future training programs.
- c. Test scores are confidential and are maintained by the Training Section.

5. Evaluations

Trainees participate in evaluation and critique of instructors and the training course upon completion of instruction.

6. Remedial Training

- a. In order to ensure that Department personnel do not suffer deficiencies in basic skills, knowledge and abilities required to perform assigned tasks, a remedial training function is employed.

- b. Any employee who fails to demonstrate understanding imparted through any Department sponsored training is scheduled for remedial training in the area of deficiency.
  - c. Training plans are developed for the correction of noted deficiencies. These plans contain, at a minimum:
    - 1. training goals and skills to be achieve;
    - 2. specific instruction to be provided;
    - 3. time frame in which goals are to be accomplished; and
    - 4. a review of remedial training at the conclusion of instruction.
  - d. A supervisor may identify by testing or observing job performance that an employee has demonstrated a deficiency in basic ability to perform assigned tasks. If the supervisor believes that the deficiency may be corrected, he may direct the employee in writing to attend a specific remedial training program. The supervisor identifies such programs through the Training Section.
  - e. As soon as possible, the affected employee takes part in a training session to address the noted deficiency.
  - f. Participants are evaluated upon completion of the remedial training program to determine if existing deficiencies have been alleviated. Results of the evaluation shall be forwarded to the assigning supervisor so that the status of the employee can be evaluated.
  - g. Any remedial training will be coordinated through the Training Lieutenant to ensure prompt completion and appropriate documentation.
7. Records Maintenance
- a. Training, documentation and records maintenance is the responsibility of the Training Lieutenant. All training records are maintained in the Training Section, including:
    - 1. Personnel attending training programs;
    - 2. Types of training, subject matter, course content;
    - 3. School or agency providing the training if other than HPD
    - 4. Measured performance, if testing is administered and scores available;
    - 5. Dates and hours of attendance.
  - b. It is the responsibility of the trainee, upon completion of training from an outside source, to submit the proper documentation of such training to the Training Section.
  - c. It is the responsibility of the Training Lieutenant to update training records as needed.
  - d. Training records shall only be released to someone other than the affected employee by the Training Lieutenant as approved by the Chief of Police.



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**VII. RECRUIT TRAINING**

- A. Newly hired recruits will be trained and certified in accordance with the regulations set forth by the New Mexico Law Enforcement Academy.
- B. Those officers who do not require attendance at the academy will be assigned to the Field Training Program where they will be given instruction which includes agency policies, procedures, rules and regulations.
- C. To supplement this training, they may also be required to attend specific classes made available through the Hobbs Police Department. This ensures that all recruits regardless of their experience or training receive agency specific training.
- D. Curriculum provided to new recruits is based on requirements of the New Mexico Law Enforcement Academy and developed around the most frequent assignments of officers. A variety of evaluation techniques have been designed to measure competency in the required skills, knowledge, and abilities. These guidelines are set forth in the New Mexico Law Enforcement Academy Handbook.

**VIII. FIELD TRAINING PROGRAM**

In keeping with the strictest levels of performance requirements, the Department strives to train professional police officers. The guidelines set by the Field Training and Evaluation Program serve as standards for the acceptance of a recruit as a permanent officer at the end of the field training process.

- A. Upon completion of the Law Enforcement Academy, a recruit is assigned to a Field Training Officer for completion of a Field Training Program. These assignments are made by the FTO coordinator and are designed to teach the recruit tasks of the most frequent assignments of officers.
- B. Recruit officers are not allowed to act on their own until they have completed a prescribed Field Training Program. Recruits do not work overtime alone or at off-duty jobs without prior approval of the Chief of Police.
- C. The Training Section has the ultimate responsibility for the training received by a recruit from the time of hire through the Field Training Program.
  - 1. The Training Lieutenant is responsible for maintaining a liaison with the academy staff.
  - 2. A copy of the four-week evaluation is forwarded to the Training Section. This provides valuable feedback to the academy staff in tailoring the curriculum to better meet the needs of the recruits.
- D. During the Field Training Program, a recruit should receive sixteen (16) weeks of closely supervised training.
  - 1. The Field Training Program is based upon a sixteen week, four phase program, which includes an evaluation phase.
  - 2. At the completion of each four week phase, a recruit is normally rotated to another FTO. At the completion of the third phase, the recruit is normally rotated back to his original FTO for a four week evaluation phase.

3. Should a recruit demonstrate advanced skills, knowledge, and abilities during any phase of the Field Training Program, that recruit may be advanced to the next phase prior to the end of the normal four week period at the discretion of the FTO Coordinator and approval of the Deputy Chief

- E. During the first three phases of training the recruits will follow the Weekly Training Guide which is designed to provide a guide in which the recruit will be trained.

In theory each recruit should be receiving the same training at the same time. The recruit and the FTO will both be responsible for signing off on the training guide. This will help ensure that the recruit is receiving and understanding the information that is being presented to him/her and establishes accountability for the training.

- F. At the completion of each work day, the FTO shall complete a Daily Observation Report (DOR). This evaluation is completed using the standardized evaluation guidelines found in the Field Training Manual. This evaluation is designed to measure competency in the required skills, knowledge and abilities. Once this evaluation is complete, it shall be reviewed by the recruit and then by the on-duty shift supervisor. A copy is forwarded to the FTO Coordinator and the original is retained in the recruit's training file.

- G. At the end of each four-week training period and at the completion of each phase an evaluation is completed by the assigned FTO. This evaluation should cover the following.

1. The progress of the recruit--whether ahead of, behind of, or on schedule;
2. Any significant strengths displayed;
3. Any significant weakness;
4. Any remedial training received and outcome; and
5. Recommendation from the FTO on progressing to the next phase.

- H. At the end of the third phase, an evaluation is completed by the assigned FTO. This evaluation should cover, in addition to the above information, a recommendation from the FTO on the probability of the recruit's success.

At the conclusion of phase three, if there is a high probability of success, the recruit will be placed into phase four. Movement from the third phase into the fourth phase is not automatic. This decision will be made and recommended by the three FTO's and the FTO Supervisor and approved by the FTO Coordinator.

- I. The evaluation phase consists of four weeks with the recruit returning to the original shift and /or FTO as in phase one. This is a time provided to the recruit to review with the original FTO any training issues that have occurred during the three phases and clarify any questions/problems that might exist. At the conclusion of phase four the recruit will be recommended for assignment to a shift at the discretion of the Patrol Captain.
- J. If at any time in the first three phases of training the FTO recognizes a problem area that he is unable to correct through remedial training, it may become necessary to remove the recruit for additional training.

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If this occurs and the recruit is removed, a certified instructor in the problem area will be assigned. That instructor will provide the remedial training and then forward the results of that training to the FTO Coordinator and the Deputy Chief.

1. If the recruit completes the training satisfactorily, the recruit will be placed back into the field training program and continue the process.
  2. If the recruit cannot complete the training at a proficient level a determination will be made regarding the status of the recruit by the Patrol Services Captain and the Chief of Police.
- K. At the conclusion of each phase of training, the Field Training Officers and the FTO Coordinator will have a meeting to discuss the following:
1. Any problem areas that have been encountered;
  2. A recruits strong and weak points; and
  3. Any suggestions that might assist the next FTO in his phase of training.
- L. A training file on each recruit is maintained by the FTO Coordinator the recruit is assigned to. The training file consists of the following originals:
1. Daily Observation Reports;
  2. End of Phase evaluations;
  3. Evaluation Phase recommendation;
  4. Any documentation concerning remedial training;
  5. Completed Weekly Training Guide.
- M. Upon completion of the Field Training Program, the recruit will complete an evaluation on the Field Training Officers that he had during training. The immediate supervisor of the Field Training Officer will also be responsible for completing an evaluation on that Field Training Officer at the completion of the Field Training program. The supervisor will evaluate the Field Training Officers performance as it relates to their ability to effectively train and communicate with the recruit.
- N. Upon completion of the Field Training Program, the recruit's training file is forwarded to the training section where it is maintained.

**IX. FIELD TRAINING OFFICER SELECTION**

- A. The requirements to compete for the assignment to FTO duties are listed in the job description. The selection process is established in Departmental policy for Promotions and Transfers.
- B. Officers with disciplinary records or three sustained complaints over the prior three years for constitutionally significant issues, including but not limited to, race discrimination, sexual harassment, excessive force, unlawful searches, seizures, or filing false charges shall be disqualified as FTO's until two years have elapsed without such discipline or complaints in any areas in which they conduct training.
- C. Field Training Officers will be required to maintain and demonstrate proficiency in their areas of instruction on a yearly basis through their annual performance evaluation.

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- D. Upon assignment, an FTO is assigned to a shift and works under the direct supervision of that shift's supervisors.

A designated FTO coordinator, appointed by the Deputy Chief, oversees and coordinates the program. While this individual is a supervisor, he is not in the direct chain of command for an FTO unless the FTO is assigned to his shift.

- E. Once an officer has been certified as a Field Training Officer, the FTO Coordinator has the authority to temporarily assign him to an officer in training for a selected phase of the FTO Program.

**X. FIELD TRAINING OFFICER TRAINING**

- A. Upon assignment to the position of FTO, an officer will receive training directly related to the FTO duties. This training is conducted by, or coordinated through, the FTO Coordinator/Supervisor. This training will include the evaluation process, FTO policy, FTO program requirements, using the FTO training manual, liability issues, learning differences, and other issues that relate to the position.
- B. Each FTO receives a copy of the Field Training Manual. This manual includes a copy of the Standardized Evaluation Guidelines, copies of required forms and FTO Program guidelines.

**XI. CIVILIAN TRAINING**

- A. Indoctrination will be given to newly hired civilian employees which covers the following:
1. the Department's role, purpose, goals, policies, and procedures;
  2. working conditions and regulations;
  3. responsibilities and rights of employees; and
  4. public relations.
- B. This training will be the responsibility of the supervisor in the affected division. Any documentation of such training will be forwarded to the Training Lieutenant.
- C. On the job training will be given to the following civilian positions:
1. Evidence technician - This training shall include the legal, safety and coordinative responsibilities of this position.
  2. Records technician - This training shall include the legal, procedural and equipment familiarization for this position.
  3. Detention Officer - This consists of both on-the-job and classroom training of 80 hours of basic orientation which includes First Aid/CPR, Intoximeter certification, policies and procedures, use of force, defensive tactics, and prisoner management. In addition, a 40 hour course for Juvenile Detention certification is required. Detention officers may be required to attend in-service training.
  5. Detention Transport Officer - In addition to training provided to a Detention Officer, a Detention Transport Officer must be trained to qualify and show proficiency in firearms and authorized less than lethal weapons in accordance with Department policy.

**I. STATEMENT OF PURPOSE**

Community involvement is essential to the operation of any police department. The citizens are the eyes and ears of the police. Without the assistance and acceptance of the community, a police force cannot function effectively. All avenues must be utilized in promoting the respect and cooperation of the public with the police.

It is the policy of the Hobbs Police Department to involve all Department personnel in a City-wide community relations effort. This includes working to establish an attitude that the police are an integral part of the community. Citizen participation and interaction with the police is necessary to achieve a condition within the community where the normal application of law enforcement may prevail. It is the policy of the Department that community relations and community education is a shared effort of each and every employee.

**II. GOALS AND OBJECTIVES**

- A. To create and maintain liaison with community groups and organizations.
  - 1. This includes exchanging information, identifying police service needs of the community, promoting police/citizen contacts, acquainting each other with mutual problems and encouraging action aimed at solving these problems.
  - 2. Information obtained in these meetings may be used to provide direction in development or modification of Department policies, procedures, and programs.
- B. To educate citizens about the functions and operations of the department.
- C. To strive to provide, through established programs and the media, crime awareness information and crime prevention procedures. The intent is to assist the public in reducing its victimization rate and its fear of crime.
- D. To inform the public that crime prevention is a cooperative effort between the Department and the citizens of Hobbs.
- E. To assist in organizing crime prevention groups in residential areas through the Neighborhood Watch Program.
  - 1. Initial organizing efforts may be made by the police department, or by concerned citizens.
  - 2. Through group development, the citizens should become better educated on how his or her involvement is vital to community crime prevention.
- F. To present crime prevention programs and maintain liaison with diverse community groups including, but not limited to:
  - 1. The business community;
  - 2. Local citizens groups;
  - 3. Local civic associations;
  - 4. Church groups;
  - 5. Schools; and
  - 6. Concerned citizens.

- G. To participate in social service and criminal justice diversion programs through a variety of crime prevention programs. In addition, the Department works with the Guidance Center by placing into protective custody those persons who meet established criteria.

### **III. RESPONSIBILITIES**

#### **A. Department Personnel**

1. No one can do more to foster good police community relations than the employee who is in contact with the public on a day to day basis. Each employee is encouraged to cultivate the respect and cooperation of the public in these day to day contacts. Employees must realize that every contact with a citizen has an impact on police-community relations.
2. It is the responsibility of all Department personnel to promote good community relations by recognizing that their actions and demeanor in dealing with the general public has a significant effect on the image of the Department. This ultimately influences the Department's overall effectiveness and level of acceptance within the City.
3. The Department is committed to correcting actions, practices, and attitudes which may adversely contribute to community tensions and grievances.
4. It is the responsibility of all officers of the Department to provide basic crime awareness and prevention information to citizens when answering calls for service or through informational contact.

#### **B. Community Relations/Crime Prevention**

1. The Patrol Service's Sergeant assigned by the Patrol Captain is responsible for the coordination, development, evaluation, and activity reports of community relations/crime prevention activity.
2. This Sergeant maintains liaison with all staff members in order to maintain a continuous, integrated, coordinated response for the furtherance of the Department's community relations effort.
3. This Sergeant provides the Chief of Police with a monthly report. This report addresses crime prevention programs, number of citizen contacts made by program or meeting, any concerns of the community, or potential police/citizen problem areas.

#### **C. Reporting Requirements**

1. When a member of this Department makes a presentation to a community organization, that member will submit a brief report to the assigned Sergeant. This report will include, at a minimum the following:
  - a. Program/presentation topic;
  - b. Number of participants;
  - c. Any concerns expressed by participants; and
  - d. Potential problems which have a bearing on law enforcement activities within the community.

**CHAPTER 5**  
**SECTION 4 – COMMUNITY EDUCATION**  
**PAGE 3**

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**IV. PROGRAMS**

**A. Crime Prevention programs include, but are not limited to:**

1. Neighborhood Watch Program;
2. Home and Business Security Surveys;
3. Programs of interest to business owners (ex. Shoplifting Awareness, Worthless Check procedure, Fraud information, etc);
4. Drug and Alcohol information;
5. Elementary School programs such as but not limited to:
  - a. Stranger Danger;
  - b. Pedestrian Safety;
  - c. Drug and alcohol abuse;
  - d. Vandalism;
  - e. Bicycle Safety;
  - f. Emergencies;
  - g. Seat belts;
  - h. Personal character (ex. Self discipline, Respect for Authority, stealing, etc); and.
  - i. Other programs requested and deemed appropriate.
6. Crime prevention programs may be presented by any officer in the Department having expertise in the area of concern. If a member, not assigned to the Support Services Division, schedules a crime prevention presentation it will be the responsibility of that member to notify their supervisor to ensure that no scheduling conflicts occur.
7. Any authorized Officer making a presentation may also utilize individuals from the community to assist in presentation of programs.

**CHAPTER 5**  
**SECTION 5 CRIME PREVENTION FUND**  
**PAGE 1**

(Rev. Date : 01/10/11)

**I. STATEMENT OF PURPOSE**

The Hobbs Police Department Crime Prevention fund is used to work cooperatively with the schools, community groups, businesses, volunteer organizations and individual citizens to provide effective crime prevention and promote excellent community relations throughout the city.

**II. FUNDING/PURCHASES**

The Hobbs Police Department Crime Prevention Fund is financed through private donations and applicable grants funding. A checking account for this fund will be maintained by the Deputy Chief. This fund consists of monies that are allocated for Crime Prevention purposes, including but not limited to the following:

- A. Funding of publication and dissemination of crime prevention material.
- B. Funding of Neighborhood Watch and other community prevention projects.
- C. Payment of rewards to individuals whose information leads to the arrest of individuals involved in criminal activity; or whose information assisted the police department in preventing criminal activity. Payments will only be made to individuals who are not paid informants and who are not eligible for payments under other sources such as Crimestoppers.
- D. Purchase of police department give-a-ways that will be used to foster a positive relationship with all members of the community and other law enforcement agencies.

**III. RESPONSIBILITIES**

- A. The Deputy Chief is responsible for disbursement of funds from the Crime Prevention fund checkbook and maintains accurate accounting records.
- B. In order to provide a system of checks and balances, an additional supervisor will be assigned to the account for integrity and accounting purposes.
- C. There will be an annual audit on the accounts to be performed by the City of Hobbs Financial Director or his designee.
- D. A record of all donations will be maintained in the Crime Prevention Fund file.
- E. Receipts for any payment made from this fund will be maintained in the Crime Prevention Fund file.



**CHAPTER 5**

**SECTION 6 – PURCHASING AND SUPPLY**

**PAGE 1**

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(Rev. Date: 08/31/06)

**I. STATEMENT OF PURPOSE**

The ability to maintain current and accurate fiscal records is important in the administration of the Department. Procedures are necessary to control the fiscal process in order to make it more effective and efficient. The following guidelines have been established to assist employees and ensure adherence to the City of Hobbs Procurement policy.

**II. RESPONSIBILITIES**

**A. Chief of Police**

The Chief has the ultimate authority and accountability for the fiscal management of the Department and is responsible for the final budget preparation for submission to the City Manager.

**B. Division Captains**

All budgetary requests should be submitted through the chain of command to the appropriate Division Captain. It will be the Division Captain's responsibility to approve all authorized expenditures for their division and submit others to the Deputy Chief of Police.

**C. Police Supply Specialist**

The Police Supply Specialist is a civilian employee and is responsible for the everyday operations of the fiscal affairs function of the Department and the compilation of the annual budget documents to be reviewed by staff. Everyday operations include petty cash, purchasing, inventory control and ensuring that stored property is maintained in a state of operational readiness.

**D. Department Employees**

All Department employees may play a role in the budget process by identifying needs of their work groups and preparing budget requests on the approved City forms which are submitted through their chain of command. Selected employees may be identified by the staff to assist in budget preparations of specific areas.

**III. PETTY CASH**

**A. There are two (2) petty cash locations in the Department as follows:**

- 1. The Police Supply Specialist maintains the Departments' petty cash account. Authorization to make transactions out of this account is limited to the Police Supply Specialist and his designee.**

This account is balanced on a monthly basis.

- 2. The Support Services Assistant maintains a money box and payments for report copies, fingerprints, etc. The cash box is counted each day and reconciled. The contents are then taken to City Hall.**

**B. In order to provide accountability at all levels, the following guidelines will be followed when dealing with petty cash.**

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**SECTION 6 – PURCHASING AND SUPPLY**  
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1. Anytime a cash transaction is made, a receipt will be written or received. The employee will be required to sign the receipt.
2. Unless exigent circumstances exist, no cash disbursements will be made for more than \$25.00. If this occurs the Chief of Police or his designee must authorize disbursement.
3. Items costing less than \$10.00 may be purchased without a purchase request. Prior to making any purchases however a verbal authorization should be received from the Police Supply Specialist. A member of the Hobbs Police Department may pay for the item with their own money and submit the ticket to the Police Supply Specialist for reimbursement; or get an advance from the Police Supply Specialist, purchase the item, then return the change and ticket.
4. Meals required while traveling or attending court outside of the city may be reimbursed for up to the approved amount. A meal ticket should be submitted to the Police Supply Specialist after it has been approved by the employee's immediate supervisor with the date and defendant's name or reason. The exception to this rule is when per diem is paid for travel expenses.

**IV. PURCHASING GUIDELINES**

**A. Equipment/Supplies**

1. Complete guidelines for purchases are specified in the City of Hobbs Procurement Policy and Purchasing Guidelines which is available in the Police Supply Specialist Office.
2. A City of Hobbs Requisition/Quote Form and a Purchase Order must be completed and submitted through the employee's chain of command.
3. These forms must be typed and will not be accepted unless all copies are complete and legible. Since this is a City form, forms must be obtained from the Police Supply Specialist and may not be photocopied.
4. The following information should be left blank.
  - a. Account Number
  - b. Vendor Number

**B. Travel Request**

1. When a member of the Hobbs Police Department is required to travel to training or an approved event which requires an overnight stay, the member will complete a 'Hobbs Police Department Travel Request Form', attach it to a letter, registration form, and any information detailing the training and submit this through the member's chain of command.
2. A 'City of Hobbs Travel Request' Voucher will be completed by the Administrative Assistant to the Chief of Police and submitted in order for an advance check to be printed. Within one week of returning from the event, the traveler must sign the form to close out the travel.

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**SECTION 6 -- PURCHASING AND SUPPLY**  
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**V. INVENTORY CONTROL**

- A. Inventory controls are set by the City of Hobbs and provided for in the Hobbs Police Department Purchasing Guidelines.
- B. The Police Supply Specialist is responsible for the completion of a yearly inventory of departmental assets.
- C. In order to maintain current and accurate fiscal records, the Police Supply Specialist is the central purchasing agent for the Hobbs Police Department.
- D. Any purchases made from the Hobbs Police Department budget, with the exception of the contingency fund, forfeiture fund and the Local Government Corrections Fund (Fund 11), will be routed through the requestor's Chain of Command to the Police Supply Specialist.
- E. Any shipments received from the Hobbs Police Department budget, with the exception of those noted above, will be routed through Purchasing Supply who will then distribute them accordingly.
- F. When a newly acquired piece of equipment is received by the Police Supply Specialist an addition will be made to the inventory. It is issued an inventory number, which aids in keeping complete and accurate records.
- G. In order to assist in keeping complete and accurate inventory records, any time a member of the Hobbs Police Department participates in an inter-departmental or inter-city exchange of equipment or property, they will complete an Inventory Data Sheet which is routed through their chain of command. The forms are maintained by the Police Supply Specialist.
- H. The Inventory Data Sheet must be filled out completely with all requested information. If a "Property of City of Hobbs" sticker is attached, the number is to be written on the Item # line. There should be a six digit number located on the item for inventory purposes. If the six digit number cannot be located, contact the Police Supply Specialist, who will assist in a physical search of the inventory hard copy list. There must be an item number on the Inventory Data Sheet before it can be approved.
- I. Nothing shall be moved to the warehouse without completing the appropriate paperwork and following the listed procedures.
  - 1. The Inventory Data Sheet is filled out with all obtainable information about the item, including the six digit city inventory number. Contact the Police Supply Specialist if you are unable to locate this number. Refer to subsection H above.
  - 2. The completed Inventory Data Sheet must be submitted through the chain of command for approval. From there it will be forwarded to the Police Supply Specialist.
  - 3. The form will be forwarded back to the employee who is responsible for contacting Warehouse personnel to make arrangements to move the item. It is the responsibility of the employee requesting the move, to physically move the item to the warehouse. The warehouse personnel must sign the Inventory Data Sheet, they will keep a copy and the original must be returned to the Police Supply Specialist.
- J. No city property can be given away or thrown away, even if broken and unusable, without the proper authorization which must be received through the chain of command to the Police Supply Specialist.

**CHAPTER 5**  
**SECTION 7-- PARKING CONTROL**  
**PAGE 1**

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**I. STATEMENT OF PURPOSE**

The purpose of Parking Control is to enforce city parking ordinances in the downtown area, city owned property as well as private parking lots.

**II. PRIVATE PROPERTY ENFORCEMENT**

- A. Private parking lots are patrolled daily to enforce handicapped parking and parking in fire zones.
- B. The enforcement of handicapped parking violations on these private parking lots is in accordance with the "Disabled Parking Standards and Enforcement Act" of the New Mexico Motor Vehicle Code (NMSA 1978).
- C. The enforcement of fire zone violations is in accordance with the City Fire Code.
- D. The enforcement of violations in this section is a joint effort by both the Hobbs Fire Department and members of Patrol Services.

**III. ENFORCEMENT BY HOBBS FIRE DEPARTMENT**

The Hobbs Fire Department enforces fire zones throughout the city.

**IV. RECORDING**

- A. Citations are recorded daily, listing the appropriate information which is to be kept on file:
  - 1. Date Issued;
  - 2. Citation Number;
  - 3. Date of Disposition (The day the ticket was paid);
  - 4. Disposition (Amount);
  - 5. Receipt Number (Receipt given to the individual upon payment); and
  - 6. Comments (Violation).
- B. After recording, the tickets are filed numerically by the month in which they were written.
- C. Some tickets may be voided, skipped, or dismissed and this information is listed under Disposition.

**CHAPTER 5**  
**SECTION 8 – CRIMINAL PROCESS**  
**PAGE 1**

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**I. STATEMENT OF PURPOSE**

The Hobbs Police Department provides a service to the court system in the provision of serving subpoenas out of District Court, Magistrate Court, and Municipal Court. This section outlines the responsibilities and the process used by this Department for Subpoena Service. Civil Process Services falls under the authority of the Lea County Sheriff's Office.

**II. SUBPOENA SERVICE**

- A. Subpoenas issued to Hobbs Police Department personnel are picked up daily by a designee of the Captain of Support Services. The issuing agency could be the District Attorney's Office, Municipal Court, or any other agency with a lawful subpoena.
- B. Subpoenas are then entered into an electronic signature software program which requires the employee to logon and receive notice of the subpoena.
- C. If the officer has a conflict with the court date, it is their responsibility to follow the authorized procedure to work out the conflict.
- D. The software program will maintain records of issued subpoenas, and the appointed designee will be able to answer to the courts whether an officer was notified of their subpoena to court.
  - 1. These records include the following:
    - a. Date/time received;
    - b. Issuing source (agency, attorney, etc.);
    - c. Name of defendant or plaintiff;
    - d. Employee serving subpoena;
    - e. Court docket number;
    - f. Date served; and
    - g. Date returned to issuing source.
  - 2. Copies of served subpoenas shall be maintained according to the court.
- E. Once the subpoena has been served, the notifications are returned to the issuing agency.
- F. If the subpoena is issued out of a civil court case, the officer should be contacted directly by their representative. At the time they are served a subpoena, they should demand payment for appropriate witness fees. No other employee should accept a civil subpoena for another.
- G. If an officer attempts to or serves a subpoena in person the following information will be noted on the subpoena:
  - 1. the date and time;
  - 2. name of officer;
  - 3. reason for non-service;
  - 4. method of service;

**CHAPTER 5**  
**SECTION 8 – CRIMINAL PROCESS**  
**PAGE 2**

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- 5. address of service/attempt.
- H. Subpoenas are generally served by electronic means, but on occasion, notification can be made by telephone. In this case, the subpoena will be left in their mailbox in their respective work area.

**I. STATEMENT OF PURPOSE**

The Hobbs Police Department utilizes various methods to track crime patterns in the city. This is accomplished through the use of computer generated information and other various police documents. This assists management by providing information useful for strategic planning and supporting line units by providing information useful in the development of daily operational and tactical plans.

**II. PRINCIPLES**

Crime analysis is based on four basic principles

- A. Accurate and timely intelligence - the effective response to crime increases proportionally as the accuracy of the criminal intelligence increases.
- B. Effective tactics - these are established by comprehensive, flexible, and adaptable interpretation and deployment of personnel to shifting crime trends as they are identified.
- C. Rapid Deployment of personnel and resources - a viable and comprehensive response to a crime or quality of life problem demand the Department as a whole brings its expertise and resources to bear on a problem.
- D. Relentless follow-up and assessment - this is essential in determining if the tactics and deployment were successful.

**III. RESPONSIBILITIES**

- A. The crime analyst and records personnel shall provide detailed information on statistics upon request of an employee. The following factors should be included in the report, if available:
  - 1. Frequency by type of crime;
  - 2. Geographic factors;
  - 3. Temporal factors;
  - 4. Victim and target information;
  - 5. Suspect information, including vehicle descriptors;
  - 6. Modus Operandi factors;
  - 7. Physical evidence;
  - 8. Any other pertinent or required information.
- B. The Patrol Services / Investigative Services Lieutenants are responsible and accountable for the crime rate in Hobbs.
  - 1. Each Lieutenant has available through computer software daily statistics and shall analyze on a shift by shift basis the crime trends.
  - 2. They will utilize their individual and collective resources and manpower to determine the most effective tactic to combat specific, targeted crimes.
  - 3. The Lieutenants and their Sergeants shall meet on a regular basis to exchange information and develop short-term and long-term strategies. This includes the

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**SECTION 9 – CRIME ANALYSIS**  
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identification of potential and actual police hazards that are within the service area.

4. Visual reminders, such as maps, are encouraged as they provide a constant, ongoing generation of information. This provides documentation of temporal and geographic distribution of selected crimes.
5. They will work closely with the Department Public Information Officer to disseminate information to the community as needed.

**IV. SOURCE DOCUMENTS**

A. The following source documents may be used to collect data for crime analysis:

1. Offense/Crime reports;
2. Field interview cards;
3. Arrest reports;
4. Supplemental reports;
5. Other reports of record within the Department;
6. Reports from other agencies.

**V. DISSEMINATION /EVALUATION PROCEDURES**

1. The crime analyst will disseminate any pertinent crime trends, patterns, or other necessary information to staff and line personnel, to include the Chief of Police. These personnel are responsible for reviewing the data and providing any pertinent feedback regarding the value of the information.
2. Patrol Services / Investigative Services Lieutenants and Captains will routinely examine shift and departmental data, in conjunction with information disseminated by the crime analyst, in order to properly address recognized crime trends and patterns, as well as to determine the effectiveness of previous strategies. Additional staff meetings may be called in order to foster ideas and create alternative crime prevention strategies.



**CHAPTER 5**  
**SECTION 10 – RECORDS**  
**PAGE 1**

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(Rev. Date: 10/09/13)

**I. STATEMENT OF PURPOSE**

The Records Section is designed to be multi-purpose. Its primary function is to provide support, through information, to other sections of the Department. In addition, it provides information to the community and other agencies on an as needed basis. The purpose of the policy is to establish the basic functions which are performed by Records Personnel.

**II. GENERAL SERVICES PROVIDED**

The following is a list of general services which are provided by Records Personnel:

- A. Copies of reports which are requested by both the public and department personnel, which may come by either mail, telephone or in person;
- B. Clearance letters for the general public, which detail any arrest and citation history through our department. These are required by most government funded housing, by some employers as part of their hiring process and for immigration purposes;
- C. Requests by officers for assistance in locating information;
- D. Initiation of solicitors and taxi permits for referral to the Chief of Police;
- E. Acceptance of money for fingerprinting, copies of records, etc;
- F. Informing department personnel of visitors;
- G. Assistance to outside agencies with requests for criminal information;
- H. Providing police blotters to the media;
- I. Completing N.C.I.C validations;
- J. Preparation of reports and arrest files to be scanned into RMS.
- K. Warrant follow up and prisoner detainers;
- L. Verification and indexing of microfilm; and
- M. Providing any other assistance as requested and appropriate.

**III. REPORT ENTRY**

Records personnel are responsible for merging and/or entering all data generated by the department as follows:

- A. Arrests;
- B. Traffic Citations, and Misdemeanor Citations;
- C. Warning Citations;
- D. Criminal Trespasses;

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- E. Field Interview Cards;
- F. Warrants;
- G. Dispositions;
- H. Criminal Incident Reports;
- I. Non-criminal Incident Report;
- J. State Accident Reports;
- K. Supplemental Reports;
- L. Evidence Tickets;
- M. Preparation of fingerprints for the State I.D. Section;
- N. Warrant Recall.

1. Warrants may be recalled by the issuing court. Each court has their procedures for processing and distributing the recall warrant paperwork to our department. The courts will immediately fax the warrant recalls to our Records Division once they have been completed by the Judge. The courts will also call the Records Division to verify that the fax has been received. The Records Technician will note the receipt of the warrant recall on the Warrant Recall Log.
2. Warrant recalls may be faxed or delivered by court employees. Warrant recalls will only be accepted by Records Personnel during normal business hours of 8:00 a.m. to 5:00 p.m. City Court Personnel will bring the warrant recalls to the Hobbs Police Department just after their offices close at 4:00 p.m.
  - a. If a warrant recall is received after 5:00 p.m. by an Emergency Communications Specialist (E.C.S.) The E.C.S. will immediately remove the warrant from the warrant cabinet. The E.C.S. will then write on the red jacket the following: "WARRANT RECALLED. DO NOT SERVE." The ECS will then remove the warrant from N.C.I.C database if entered. Upon removal, the E.C.S. will deliver the warrant, the warrant recall, and the N.C.I.C. removal printouts to the Hobbs Police Department.
3. Once the Records Technician receives a warrant recall they will begin the process of removing the warrant from the system. The Records Technician will promptly email and call the Communications Center and have the warrant pulled for removal. The Records Technician will then enter the warrant as recalled in the warrant section of the computer.
4. The Records Technician will call the Communications Center and give them the needed information to have the warrant removed (name, DOB, warrant number). The Records Technician will note this transaction in the Warrant Recall Log. The E.C.S. will promptly remove the warrant from the N.C.I.C. database, if entered. Upon removal, the E.C.S. will deliver the warrant, the warrant recall, and the N.C.I.C. removal printouts to the Hobbs Police Department.
5. The Records Technician will place the original warrant and a copy of the warrant recall in the designated place for the court personnel to pick up. A copy of the warrant, the warrant recall, and the N.C.I.C. removal printouts are then scanned into the warrant in LERMS and subsequently shredded.

#### **IV. MONTHLY REPORTS**

Uniform Crime Reporting (UCR) is a city, county and state law enforcement program which provides a nationwide view of crime based on the submission of statistics by agencies throughout the county. The Hobbs Police Department participates in this program submitting monthly reports detailing the following:

1. Number/types of criminal acts;
2. Number of crimes cleared;
3. Personal characteristics concerning persons arrested (i.e., race, gender, age, etc.); and
4. Amount of stolen/recovered property.

#### **V. COPIES**

- A. When a copy of a record is requested by Department personnel, the following guidelines will be followed:

The employee will contact Records and provide them the information necessary to locate the documentation. Records personnel will make copies of the requested paperwork and the employee may either pick it up at the counter or in the agreed upon location.

- B. Court Request forms should be filled out 24 hours in advance of court to allow Records personnel to prioritize tasks. The requests are checked at least once a day and copies made based on the information provided.

**CHAPTER 5**  
**SECTION 11 – RECORDS MANAGEMENT**  
**PAGE 1**

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(Rev. Date: 07/01/08)

**I. STATEMENT OF PURPOSE**

It is the intent of this policy to establish the procedures for governing the retention and disposition of all records maintained by the Support Services Division of the Hobbs Police Department. This policy provides for specific disposition (i.e., destruction of designation as historical - permanent) of the declared official copy of record. If the microfilm or digital record is declared the official copy of record, the hard copy (paper) records shall be destroyed in accordance with rules established by the Commission of Public Record (State Records Center and Archives.) For the destruction of public records, see Destruction of Public Records and Non-Records, 1.13.30 NMAC.

**II. AUTHORITY OF STATE LAW**

The laws of the State of New Mexico have various provisions covering certain aspects of public record storage, retention and disposition. The Commission of Public Records (State Records Center and Archives) is designated by law as the authority for establishing rules for the management of public records. This policy has been designed around the law of the state and the published rules of the Commission of Public Records.

In the event of a conflict, the prevailing hierarchy for resolution is (from highest to least):

- A. State Law;
- B. State Rules;
- C. Local Ordinance;
- D. Department / City Policy.

**III. RETENTION STATEMENT**

The City of Hobbs has adopted by resolution the State of New Mexico's Records Retention and Disposition Schedule for municipal records with the exceptions detailed in this policy. Records retention and disposition schedules establish a minimum retention requirement for records. Certain records may be retained past the minimum requirement for historical purposes.

For records created after January 1, 1988, and determined to have a permanent retention requirement by this policy will be converted to microform/digital media and the hard subsequently destroyed. Records not designated with a permanent retention requirement by this policy shall generally not be converted to microform/digital media and shall be destroyed at the end of their legal retention date.

**IV. DEFINITIONS & RETENTION SCHEDULES**

**A. Active Case:**

Any case where there has been no successful prosecution or arrest of suspects, and the case has not reached the end of the statute of limitations or the retention period shown for pre-1988 cases in this policy. Active cases will be converted to microform/digital media and the hard copy destroyed.

**B. Closed Case:**

Case where prosecution is completed, or where cases that have exceeded the statute of limitations for prosecution. This will be based on the hierarchy rule - the highest degree will determine the retention.

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**SECTION 11 – RECORDS MANAGEMENT**  
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This will also be established for each suspect listed on each case. Closed cases will be purged unless they fall under one of the provisions specified for microform/digital media retention or pre-1988 cases.

C. Statute Of Limitations:

1. No limitation for Capitol and 1<sup>st</sup> Degree felonies.
2. 6 years for 2nd Degree Felony.
3. 5 years for 3rd and 4th Degree Felony.
4. 3 years for Unspecified Felony.
5. 2 years for Misdemeanor Crime.
6. 1 year for Petty Misdemeanor.

D. Criminal Incident Report (CI):

A report and associated supplements prepared when there is a prima facie showing for a violation of State or Municipal law occurring within the jurisdiction of the Hobbs Police Department. Prior to 1988 cases have been retained for 5 years after close of prosecution. Suspended or No Pros cases have been retained through expiration of statute of limitations or 5 years from date of report, whichever is greater. Beginning with 1988 all Criminal Incident Reports will be maintained permanently on microform/digital media. (Previously known as a "Crime Report or "CR".)

E. Non-Criminal Incident Report (NI):

A report and associated supplements prepared when the circumstances of an event:

1. constitute a violation of criminal law occurring outside the jurisdiction of the Hobbs Police Department;
2. a violation of Federal Law;
3. an unattended death without obvious signs of criminal activity (including suicides);
4. any other event requiring more documentation than is provided by a Dispatch Report (defined below); and
5. any other event where this type of report is specified by policy or directive.

Beginning with 1988 all Non-Criminal Incident Reports will be maintained permanently on microform/digital media. Refer to Purging Policy for records created prior to 1988. (Previously known as an "Offense Report" or "OF".)

F. Accident Report (AC):

State mandated reports documenting the collision or other involvement of motor vehicles as required by law. These are maintained on microform/digital media since 1972. (Previously known as "State Report" or "SR".)

G. Criminal History:

An electronic record which details the pertinent facts on any subject arrested for a crime is considered to be a criminal history. This electronic data is maintained permanently.

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**SECTION 11 – RECORDS MANAGEMENT**  
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**H. Arrest Data:**

Includes arrest/detention reports, misdemeanor citations and DWI citations. Prior to 2009 arrests have been retained for 10 years after date of incident or until investigation is closed, whichever is longer, or until death of the subject.

1. Arrest report - prepared when a person is arrested for a violation of criminal law or pursuant to a valid arrest warrant.
2. Misdemeanor citation - issued in lieu of physical arrest for violations of certain criminal laws, as provided by law.
3. DWI citation - issued in conjunction with physical arrest for violations of the state traffic statute.
4. Combined Detention Report - prepared when a person is detained for a reason not amounting to a violation of criminal law, pursuant to valid authority (e.g. Mental Evaluation, Detox); or when a person is lodged in the Hobbs City Jail serving time or as a courtesy to other agencies.

**I. Identification Information:**

Identification Information includes fingerprints and mug shots obtained on any subject arrested for a crime. The identification information will be maintained for 75 years after the date of creation or until death of the subject.

**J. Warrants:**

Court issued documents authorizing the physical arrest of particular persons for specific violations. These will be maintained in original hard copy form until they are served, recalled by the court or no longer valid for service.

**V. DETERMINATION OF RETENTION & CLASSES OF RECORDS:**

The Hobbs Police Department has determined after an extensive review and audit of records and actual uses of those records that records created on or after January 1, 1988, will be handled as current records and those created prior to January 1, 1988, will be handled as long term storage records. This section defines how records created before and after January 1, 1988, are handled.

**A. Purging Policy for Pre-1988 Records:**

Certain records created prior to 1988 will be purged from the records system prior to converting to microform/digital media. The following case/record types have been retained and will be maintained permanently on microform/digital media (all others have been destroyed pursuant to legal standards):

1. Criminal Incident Reports (Crime Reports) Retained:
  - a. Cases involving a death regardless of disposition;
  - b. Cases in which an arrest was made (if this is noted in the case report);
  - c. Any case defined as an "ACTIVE CASE".

2. Non-Criminal Reports (Offense Reports) Retained:

- a. Cases involving a death;
- b. Missing persons reports;
- c. Juvenile runaway reports; and
- d. Cases in which an arrest was made.

3. Accident Reports:

- a. Fatal accident reports from January 1, 1969 (if they exist); and
- b. Non-fatal accident reports from January 1, 1984.

4. N.C.I.C. Cases:

Any case that is used to support an active N.C.I.C. entry will be maintained as original hard copy until that entry is no longer valid. The case will then be converted to microform/digital media and the hard copy destroyed pursuant to law.

B. Computer Records of Purged Reports:

The Hobbs Police Department does computer entry of reports which includes event and person information from all Criminal Incident and Non-Criminal Incident Reports (then Crime Reports and Offense Reports). Numerous non-permanent records (F.I Cards, Traffic Citations, etc) have also been entered into the computer data base. This information will be maintained even though the record associated with that information has been purged. Computer information based on purged reports should be used for historical purposes only.

C. Permanent Records:

The following records are designated as **PERMANENT RECORDS** and will be permanently maintained on microform/digital media, and the hard copy subsequently destroyed. (For information on record types, refer to the "Definitions" section):

- 1. Criminal Incident Reports; (1988 on)
- 2. Non-Criminal Reports; (1988 on)
- 3. Accident Reports. (1988 on)

D. Non-Permanent Records (1988 on):

All records not designated as "Permanent Records" will be retained as hard copy for their specified retention period (see "Definitions" section) and the destroyed pursuant to law, unless designated for preservation as a document with "Historical Significance".

E. Documents with Historical Significance:

The Chief of Police, the Support Services Division Captain and/or the Records Administrator may designate certain non-permanent records as "Records of Historical Significance" and have them converted to microform/digital media even when such a record would not normally be so preserved. Any record so designated must have the notation "Historical Record", along with the date and signature of the authorizing person inscribed on the first page of any such record (or on each page if the records are not in a file or other numbered sequence).

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- F. The Records Administrator in accordance with this policy is authorized to handle the final disposition of department records (i.e., destruction or historical designation - permanent) when court ordered, or if an error occurred during data entry.

**VI. RECORDS MANAGEMENT POLICY REFERENCES:**

- A. New Mexico Statutes, Annotated, 1978 Comp.:
1. Public Records Act, 14-3-1 to 14-3-25
  2. Criminal Code, 30-1-8 (Time Limitations for Commencing Prosecutions)
- B. Microphotography Systems, Microphotography Standards 1.14.2 NMAC
- C. New Mexico Municipalities Records Retention and Disposition Schedule 1.19.8 NMAC  
GRRDS, General Administrative Records (For use by local government and educational) 1.15.3 NMAC  
GRRDS, General Financial Schedule (Interpretive) 1.15.5 NMAC  
GRRDS, General Personnel (Interpretive) 1.15.7 NMAC
- D. Performance Guidelines for Legal Acceptance of Public Records produced by Information Technology Systems 1.30.70 NMAC.



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**I. STATEMENT OF PURPOSE**

It is the intent of this policy to establish and maintain a system for the orderly maintenance, preservation and release of records regularly maintained by the Support Services Division of the Hobbs Police Department as part of normal department operations.

**II. DEFINITIONS**

A record is defined as any report, paperwork, associated document or file generated and/or maintained by members of the Hobbs Police Department during the course of their duties and normally maintained in or by the Records Section of the Support Services Division, or documents generated by other criminal justice agencies when the original of such documents is maintained physically in or by the Hobbs Police Records Section, including, but not limited to:

- A. Case File: A file maintained in numerical sequence and consisting of either a Criminal Incident Report, a Non-Criminal Incident Report or an Accident Report.
- B. Confidential Record: A record which has been reviewed by a supervisor and determined to contain information that reveals confidential sources, methods or information, (as described in State Law) and has been marked "Confidential" by that supervisor.
- C. Dispatch Record (DR): A report prepared when the circumstances of the event being reported do not warrant any other type of report.
- D. Criminal Incident Report (CI): A report prepared when a prima facie showing of a violation of State or Municipal law occurring within the jurisdiction of the Hobbs Police Department is presented.
- E. Non-Criminal Report (NI): A report prepared when the circumstances of an event: (1) constitute a violation of criminal law occurring outside the jurisdiction of the Hobbs Police Department; (2) a violation of Federal Law; (3) an unattended death without obvious signs of criminal activity (including suicides); (4) any other event requiring more documentation than is provided by a DR; and (5) any other event where this type of report is specified by policy or directive.
- F. Arrest Report (AR): A report prepared when a person is arrested for a violation of criminal law or pursuant to a valid arrest warrant.
- G. Criminal Complaint: A criminal complaint is an initial pleading filed in either municipal or magistrate court that a person named has committed a specific offense. A criminal complaint is prepared and filed to obtain an arrest warrant or after a warrantless arrest.
- H. Arrest File: The numerical file assigned to an individual upon their first arrest, containing, as a minimum, the original Arrest Report (or intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
- I. Arrest History: An Arrest History is a compilation of notations of all arrests by the Hobbs Police Department for a particular named individual maintained electronically in the Hobbs Police Department Computer System. Each arrest notation contains arrest date, charge(s).

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- J. Combined Detention Report: A report prepared when a person is detained for a reason not amounting to a violation of criminal law, pursuant to valid authority (e.g. Mental Evaluation, Detox); or when a person is arrested by officers from another agency on their charges when the arrested person is lodged in the Hobbs City Jail.
- K. Supplement (SU): A report prepared: (1) by the original reporting officer to continue the narrative or other information of an original report when the space provided on the original form is insufficient; or, (2) a report prepared subsequent to, or in addition to, the original report (by the same officer or other officers) that presents data not contained in the original report or case status updates.
- L. Accident Reports (AC): State mandated reports documenting the collision or other involvement of motor vehicles as required by law.
- M. Traffic Citations (UC for moving violations, DI for DWI violations): A document issued to motorists for the violation of a traffic or related law.
- N. Traffic Warnings: A document issued to motorists in lieu of a traffic citation for violation of a traffic or related laws.
- O. Misdemeanor Citation (MC): A document issued in lieu of physical arrest for violations of certain criminal laws, as provided by law.
- P. Field Interview Card (FI): A report prepared to document officer/citizen contact that does not warrant another type of report.
- Q. Warrants: Court issued documents authorizing the physical arrest of particular persons for specific violations.
- R. Medical Record: A record detailing physical conditions and treatments (if any) of persons. This does not include reports that are prepared pursuant to an investigation that detail injuries sustained as part of the circumstances of the report. Example of a Medical Record would be jail medical logs, jail medical treatment forms, etc.
- S. Adjunct Records: Reports and records generated internally by the police department, but under the control of the Communication Center, including, but not limited to: logs of radio, teletype and telephone transactions maintained for varying periods of time (includes audio tapes). NOTE: Requests for copies, review or other disclosure are governed under Subsection XIV.
- T. SORN Records (Sex Offender Registration and Notification Act): Registration information submitted by certain sex offenders is public information.

**III. MEDIA BOARD**

Laws of the State of New Mexico provide for the release of information maintained by long standing custom on a "police blotter". Such blotter information shall be available for inspection by representatives of the news media or the public pursuant to practice and applicable laws. For the purposes of this policy, the Hobbs Police blotter is defined as:

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Copies of the first and second pages of Criminal Incident Reports, Non-Criminal Reports, Supplements (unless otherwise marked as Confidential), Accident Reports and Arrest Reports with associated Criminal Complaints (if any), (excluding all reports considered confidential by law) along with the Activity Log.

**IV. RECORDS CONSIDERED PUBLIC RECORDS, GENERALLY:**

- A. All records contained in case files maintained by the Support Services Division are considered public records by law and may be inspected by any person, or copies obtained pursuant to law, except as noted in the section "RECORDS CLOSED TO THE PUBLIC". Arrest records/files are covered later in a specific section. Records defined as "ADJUNCT RECORDS" will be screened by the Captain of Support Services prior to release to insure that legally defined confidential material is not included in the release.
- B. SORN Records: SORN records are public records along with photos of the individual. Members of the public may make requests for available information about more than one particular sex offender, including blanket requests for information about all sex offenders who live within our municipality. The department may post all publicly available sex offender information on a web site or other public forum.

**V. RECORDS CLOSED TO THE PUBLIC**

Laws of the State of New Mexico provide that certain records are closed to public access and review. The following records maintained by the Records Section of the Hobbs Police Department are considered closed to the public:

**A. Confidential Records Identified:**

Records that are determined to reveal confidential sources, methods, and/or information and have been designated as "Confidential" pursuant to this policy. All such records must be stamped "CONFIDENTIAL" to be considered closed to the public (refer to "INTERIM POLICY ON RELEASE OF SUPPLEMENTS" for other information).

**B. Determination Of Confidentiality:**

It is the responsibility of each supervisor approving a report to determine if material in that report falls within the above definition of confidential material and to then mark that particular page(s) with a "CONFIDENTIAL" stamp.

**C. Release of "Confidential" Records:**

Requests to inspect and/or obtain copies of any record marked "Confidential" shall be directed to the Division Captain of the division originating that report. If that Captain determines that the confidential record may be released to the requestor, the Captain shall authorize that release, in writing. The written release shall be forwarded to the Records Administrator for processing and inclusion in the case file with the original of the confidential record.

**D. Medical & Psychological Records Confidential:**

Records that contain medical or psychological information. These include all Non-Criminal Reports and Intake Reports prepared when a person is detained for mental evaluation or Detoxification. Refer to the "Definitions" section for a description of "Medical Records". Refer to "Arrest Record Information" section for release procedure of medical or psychological records.

**E. Warrants:**

Originals of unserved warrants are maintained in the Communications Center. The department declares that the uncontrolled dissemination of warrant information will jeopardize on-going investigations and apprehensions by revealing confidential law enforcement methods. Therefore, inspection of, purchase of copies of or release of unserved warrant information may only be authorized by a Captain or above. Once served, the retained copy of the served warrant becomes part of whatever file that contains it and is governed by the release rules for that file.

**VI. SEALED RECORDS POLICY**

It is the intent of this policy to establish procedures for the court ordered sealing of records on current or prior offenders which are maintained by the Records Section of the Hobbs Police Department.

**A. DEFINITIONS**

1. **Arrest Records/Files:** The numerical file assigned to an individual upon their first arrest, containing at a minimum, the original Arrest Report (or the intake), a copy of the criminal complaint (if any) and other associated documents related to the arrest(s).
2. **Sealing of Records:** Action taken by the Hobbs Police Department Records personnel to prevent the inadvertent or intentional disclosure of criminal information ordered sealed by a court. Sealing does not mean the expungement or destruction of such information.
3. **Expungement:** The physical destruction of any said records. Hobbs Police Department records that are sealed are not destroyed.

**B. PROCEDURES**

1. The individual requesting a record/file be sealed must have the case evaluated by District Court or other court having jurisdiction.
2. Once a copy of the court order has been received the following steps will be taken:
  - a. All paper work specified by the court order is placed in a manila envelope along with a copy of the court order. Any copies of the arrest paperwork that have been placed in the criminal incident report are also placed in the manila envelope.
  - b. The criminal incident report associated to the arrest being sealed is stamped "confidential" and a copy of the court order is placed in the criminal incident report folder.

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- c. Any documentation of the records/file that has been entered into the computer system will be removed upon receiving the court order to seal the records/file.
  - d. Hobbs Police Department Records will send a letter to court within thirty (30) days stating all records/files have been sealed in compliance with the court order. A copy of the letter is sealed in the manila envelope along with the original records.
  - e. The original Hobbs Police Department Records that were ordered sealed, along with the compliance letter will be physically placed inside of a manila envelope. The flap to the envelope will be sealed and then taped. The initials of the technician sealing the record/file will be written over the taped seal.
  - f. A notation will be made on the outside of the manila envelope "DO NOT OPEN PER COURT ORDER".
  - g. The copy of the court order is taped to the front of the manila envelope containing the sealed documents.
  - h. The sealed record/file is secured in a locked cabinet by the Captain of Support Services, separately from all other arrest files. This file will remain sealed without public access until the "sealed order" is removed by the Governor, District Court or other court having jurisdiction.
- B. The same procedures are followed for Adult and Juvenile records/files. The record/file is only sealed by an order from a District Court or other court having jurisdiction.
- C. Sealing the fingerprints and criminal histories:
- 1. Once the order has been received and the record/file has been sealed, the State of New Mexico and FBI must be notified to have the record removed from the individual's criminal history (rap sheet).
  - 2. A letter is sent to the Department of Public Safety in Santa Fe and the FBI in West Virginia stating an order has been received to have a record/file sealed. The letter is to contain the name, date of birth, social security number, arrest date, arrest charge(s), of the individual whose record/file has been sealed and a copy of the court order.
- D. If there are any specific instructions regarding the sealing of the record or file outlined in the court order, the instructions in the court order will supersede our policy and will be followed.

**VII. OPENING "CONFIDENTIAL" RECORDS**

The Hobbs Police Department recognizes that certain "confidential" records may lose their statutory protection as the record ages or other events occur.

- A. If a report marked "confidential" is requested, the person receiving the request shall have the report reviewed by the Captain of the division originating the report.

**B. Processing Of Records Removed From Confidential Status**

If the Records Section receives a supplemental report indicating that reports in a file marked "CONFIDENTIAL" are no longer considered so, the Records Officer processing the supplement shall mark through the "CONFIDENTIAL" stamp, place the date and their name along the marked out stamp and file both the cleared report and the clearing supplement in file. If the paper records no longer exist, the clearing supplement shall be added to the case file on whatever storage media is in use.

Once a report is cleared from being "CONFIDENTIAL", it may be accessed as described above in the section "RECORDS CONSIDERED PUBLIC RECORDS".

**VIII. INTERIM POLICY ON RELEASE OF CERTAIN INVESTIGATIVE RECORDS:**

The Hobbs Police Department recognizes that a significant number of records containing potentially confidential material has been generated in the year preceding this policy and that a method of review is necessary for those records.

**A. Interim Policy Dates**

This interim policy covers only supplements and transcripts of statements dated from 1-1-93 through 2-15-94.

**B. Screening Of Records Created Prior to 2-15-94:**

The Police Department recognizes that it would be impossible to screen every document in the existing records system to determine if that document fell under the legal requirements for maintaining confidentiality of the document. The department further recognizes that in most cases, time has eliminated the confidentiality of the document by court prosecution or other disposition of the issues.

**C. Designation Of Certain Archival Records As Public Records**

The department has determined that all supplements and transcripts of statements from Case Files dated prior to 1-1-93 shall be considered Public Records and available for inspection and purchase of copies pursuant to the provisions of this overall policy.

**D. Status Review for Investigative Supplements & Transcripts**

By agreement with Criminal Investigations, anytime a person requests to inspect or purchase copies of a record containing Investigative Supplements or statement transcripts dated between 1-1-93, and 2-15-94, the Records Technician processing that request shall contact the Criminal Investigations Lieutenant to come to the Records Section and review the supplement or transcript. If that Lieutenant determines that no confidential information is contained in the supplement or transcript, the supplement or transcript may be handled as a Public Record. If the Lieutenant determines that the supplement or transcript contains confidential information, the supplement or transcript shall be stamped with the "CONFIDENTIAL" stamp and handled as a Confidential Record.

If the Criminal Investigations Lieutenant is not available, the request to inspect the records shall be handled as if the supplement or transcript contains confidential material and the requestor shall be directed to the Captain of Investigations.

**IX. ACCESS TO RECORDS BY OTHER AGENCIES**

**A. Records Available to Certain Agencies for Criminal Justice Purposes**

Records maintained by the Records Section of the Hobbs Police Department shall be provided, upon request or by policy, to other law enforcement agencies, criminal justice agencies or other lawfully authorized agencies for criminal justice purposes. If a Records Section employee has any reason to doubt that such requests are legitimate (such as for personal use or in other jobs like bill collecting) the requestor shall be asked to submit their request, in writing, to the Records Administrator or by teletype. Note: Children, Youth and Families is not considered Law Enforcement.

**B. Telephone and Fax Requests**

Telephone requests by other agencies will be honored only if the Records Section Employee is certain the call originates from that agency. If this is not known for certain, the request will be refused and the requestor asked to submit the request through the law enforcement teletype or radio systems for verification of the agency identity. FAX requests on letterhead stationery of the agency will also be honored.

**X. RECORDS SECURITY**

**A. Statement of Policy**

The Hobbs Police Department declares that an orderly system for the release of records requires that employees release record information only in accordance with specific policy. Information contained in records maintained in the Records Section shall only be released to persons outside this department in accordance with the specific provisions of this policy. Therefore, no employee shall divulge the contents of any police record except as herein provided. Authorized personnel only are allowed in the Records Section.

EXCEPTION: Records Section personnel may release information contained on the Police Blotter, via telephone, to the news media. Requests for more information than what is contained in the blotter reports shall be directed to the Captain of Support Services or designated Public Information Officer.

**B. Removal of Original Records from the Records Section**

The original of all records shall remain in the custody of the Records Section. When personnel need reports for court or other purposes, copies will be provided by Records Personnel through the authorized procedure. No other employees are authorized to access records files. Records released to the public under these sections will similarly be done by copy. Specific approval of the Custodian of Records must be obtained before originals may be removed from the Records Section (Records Section supervisors are authorized to check out case files for officers' use in court when the case file is lengthy and would require extensive copying).

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- C. In order to maintain the integrity of the computerized records only authorized employees have access through the use of user names issued by Computer Operations. An annual audit of the central records system is completed by Computer Operations for verification of passwords, access codes or access violations.

**XI. INSPECTION OF/OBTAINING COPIES OF PUBLIC RECORDS**

**A. Public Records Open**

All records designated as "Public Records" are open for inspection by the public during posted business hours of the Records Section. Copies of "Public Records" may be purchased by the public pursuant to the posted fee schedule. Prior to records being inspected or copies being purchased, a "Request to Inspect" form will be completed. A written request for public records must include the requestor's name, address and telephone number and must identify the records sought with reasonable particularity. After completion, the form will be held in the Records Section for three months and then disposed of.

**B. Inspection Process**

Based on the legal significance of police records and to preserve the integrity of the record(s), original records will not be removed from the Records Section. Persons wishing to inspect Public Records may do so either in the presence of a Records Section Technician or by purchasing copies.

**C. Purchase of Copies of Public Records**

Copies of Public Records may be purchased from the Records Section during posted business hours.

**D. Copies to be Stamped**

All copies of records released pursuant to this policy shall be stamped with one of three stamps maintained in the Records Section: All N.C.I.C. III returns shall be stamped with the stamp designated for that purpose; all arrest record reports shall be stamped with the stamp designated for that purpose (see RELEASE OF ARREST RECORD INFORMATION section for exceptions); and all other copies of reports shall be stamped with the stamp reading:

"This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws."

**XII. RELEASE OF ARREST RECORD INFORMATION**

**A. Statement of Policy & Content, Arrest Record Information**

Arrest Files maintained by the Hobbs Police Department Records Section contain the original arrest reports of all arrests made by Hobbs Police Personnel, and certain other agencies. Copies of records from other agencies (dispositions from courts, reports from other agencies, etc) are often obtained and included in the Arrest Files. The original of those documents are retained by the originating agency. Therefore, the Hobbs Police Department makes no certification of the accuracy of the information



contained in any document in any file that is not originated by the Hobbs Police Department. Such copies should be considered as "informational" only and questions concerning them should be directed to the originating agency.

B. Written Request/Authorization Required

A written request for public records must include the requestor's name, address and telephone number and must identify the records sought with reasonable particularity. Requests on forms other than HPD forms will be honored as long as they meet the content requirements set forth elsewhere in this section. If the person has an arrest file, a copy of the request will be held for three months in the Records Section and then disposed of.

C. Release of Arrest Record Information

Arrest record information contained in the Hobbs Police Department Arrest files may be released under the following conditions:

1. Criminal Justice Agencies:

Arrest record information to include Arrest File and Arrest History information, may be provided pursuant to requests from legitimate criminal justice agencies (law enforcement, military, courts, prosecutors, probation/parole, etc.) in accordance with the above section dealing with "ACCESS TO RECORDS BY OTHER AGENCIES". Public and private defenders are not authorized, except as indicated below and should be directed to contact the City Attorney or the District Attorney to obtain the records. Children, Youth and Families is not considered a law enforcement agency.

2. Individuals:

a. A computer printout of an arrest history may be examined and copies obtained only by the subject individual of the said arrest history, or by his counsel or their agent, provided:

1. the person produces verification of identity by one or more of the following:

- a. government issued picture I.D.;
- b. Comparison of arrest file identifiers with the person (fingerprints, handwriting, photos, identifying marks, etc.);
- c. by providing to a Notary Public such proof of identity as the notary may require to issue a notarized statement attesting to the person's identity; or
- d. personal knowledge of the person by Records Section or other police personnel.

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2. provides to their counsel or agent a written and notarized authorization for counsel or agent to obtain arrest records and the authorization contains the full name, date of birth and any other numbers that may be necessary to establish positive identification SSN, Driver's License, etc.); or
3. by mail, provided the requestor submits notarized proof of identity as specified in (1) and/or notarized authorization for release to attorney/agent as specified in (2).

- b. The Hobbs Police Department will confirm or release prior arrest record information to members of the news media or any other person, upon specific inquiry as to whether a named individual was arrested, detained, indicted or whether any information or other formal charge was filed on a specified date. Neither the news media nor any other person, except as otherwise provided above, will be permitted to examine or obtain copies of a persons arrest history or arrest file information.

**D. Information Supplied on Request**

Persons submitting valid requests for arrest record information will be provided with the requested arrest information contained in Hobbs Police Department arrest files. No N.C.I.C. Interstate Identification Index (III) or other records from other agencies shall be provided to anyone not employed by a legitimate criminal justice agency and under the provisions of preceding sections.

**E. Official Copies to be Stamped**

All copies of arrest records or any other document containing arrest record information, other than the standard request form that is provided by the police departments, shall be marked with a stamp containing information on the ARREST RECORDS INFORMATION ACT (this information is incorporated on the standard request form). Copies of Arrest Records or printouts that do not have the Arrest Records Information Act Stamp affixed or statement included are declared to be illegal copies obtained outside the provisions of this policy.

**F. Psychological and Detoxification Records Handled Separately**

Mental Evaluation detentions and Detoxification detentions will not be included with Arrest Record reports. Persons wishing to obtain records of these types of detentions must apply specifically, in writing to the Records Administrator, for these records and must meet all of the above identification requirements.

**G. Challenges to Contents of Arrest Records/Files**

Persons believing their arrest record contains incomplete or inaccurate information shall be directed to contact the Records Administrator to initiate a challenge to the content of the record as provided by law (29-10-8, NMSA 1978).

**XIII. N.C.I.C. AND OTHER TELETYPE CRIMINAL HISTORIES**  
**(Refer to N.C.I.C. Policy also)**

**A. Dissemination Limited**

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The dissemination of N.C.I.C. Interstate Identification Index (III) records is limited to criminal justice agencies by law. All transfers of N.C.I.C. III returns will be done by printed copy and the receiver must sign the N.C.I.C. III log. Only requests resulting in negative histories will be given verbally.

**B. Non-N.C.I.C. Criminal History Checks**

Criminal history checks obtained from other sources (commonly called IQ, FQ & AQ) via teletype shall be handled in the same manner as for N.C.I.C. III information, except that the receiver does not have to sign for the printed copy.

**C. Security Stamp Required**

All N.C.I.C. III and other teletype criminal history returns shall be marked with a stamp containing dissemination information prior to being filed or transferred to the requestor.

**XIV. OTHER TELETYPE RECORDS CONFIDENTIAL:**  
**(Refer to N.C.I.C. Policy also)**

Information and records obtained via the police teletype system are confidential and shall not be disclosed to anyone outside criminal justice agencies without the approval of a Division Captain or higher (excludes all N.C.I.C., which is covered above). For the purposes of this section, teletype records include, but are not limited to: vehicle registration checks, driver's license checks, informational teletypes, etc.

**XV. ACCESS TO ADJUNCT RECORDS (as defined in Subsection IIP)**

These records are an indispensable source for criminal and internal investigations and training. Audio recordings of radio and telephone transmissions are maintained indefinitely as of May 11, 1998. These recordings are filed in date order and maintained in the Communications Center. Only Communication Personnel have access to the recorder and to the recordings stored on media. Other designated personnel have access to the recordings through the network. Only the Chief of Police can authorize network users and determine their level of access. Prior to Computer Aided Dispatch (CAD) other adjunct records may have a limited life span.

**A. Requests from an outside agency or entity must be submitted in writing for specific adjunct records. This request will be forwarded to the Captain of Support Services.**

1. Any requests should specify the date, approximate time and location, incident or personnel involved.
2. Upon review of the information, the request will be forwarded to the appropriate Communications Supervisor for retrieval.
3. The request will be placed in the case file, if applicable. When not associated with a case report, the request will be maintained by the Captain of Support Services.

**B. Requests from Department personnel who are not granted access to the recorder must submit in writing for specific adjunct records. This request may be forwarded directly to a Communications Supervisor for retrieval.**

1. Any request should be limited to that information needed for legitimate law enforcement use, including internal or criminal investigations and training.
2. The request will be placed in the case file, if applicable. When not associated with a case report, the request will be maintained by the Captain of Support Services.

#### **XVI. S.O.R.N. RECORDS**

These records are considered public records and will be released per the Department Access to Police Records policy. Information on registered sex offenders living within our municipality is provided by the Lea County Sheriff's Department. The Sheriff's Department will provide to the records section of Hobbs Police Department a copy of the sex offenders registration information along with a photograph. The following procedure will be utilized to maintain these records.

- A. Individual records will be kept in a file folder that is accessible by records personnel.
  1. Offender information will be maintained as long as the offender lives within the city limits. When notified by the Lea County Sheriff's Department that the offender has moved from the city limits his/her file will be destroyed.
  2. Individuals requesting to inspect S.O.R.N. files will complete an inspection form and this form will be placed in the offender's file.
- B. Public access to these records will be limited to the following information:
  1. Name of registered sex offender;
  2. Residence address;
  3. Employer;
  4. Nature of crime;
  5. Date of crime;
  6. Photo if requested.

#### **XVII. ACCESS TO POLICE RECORDS POLICY REFERENCES**

- A. New Mexico Statutes, Annotated, 1978 Comp.
  1. Inspection of Public Records Act, 14-2-1 TO 14-2-12. (1993 Revision).
  2. Arrest Record Information Act, 29-10-1 TO 29-10-8.
  3. Mental Health Act, 43-1-19.
- B. Hobbs Municipal Code  
Detoxification, 19-35.
- C. National Crime Information Center (NCIC) Operating Manual
  1. "System Security", Intro., Section 1.6;

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2. "Interstate Identification Index", Part 10;
  3. "Who May Access System", Section 2, Para. III.
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- D. New Mexico Law Enforcement Telecommunications System (NMLETS) Operating Manual "System Security" Section.
  - E. New Mexico Law Enforcement Accreditation.
  - F. City of Hobbs Resolution No. 3530 Records Retention and Disposition Schedule (8-2-99)

**CHAPTER 5**

**SECTION 13 -- PROPERTY AND EVIDENCE CONTROL**

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**I. STATEMENT OF PURPOSE**

All items of an evidentiary nature, lost/found, safekeeping, recovered property, contraband or any other property controlled by the Department which is not agency owned are placed in the Evidence Room. Accountability is established for all property received by the Department. This order provides procedures for the management of property held by the Department Evidence Section.

**II. GOALS AND OBJECTIVES**

It is the duty and obligation of all employees involved in the property and evidence handling to care for, control and correctly process all property and evidence coming into their possession, and to properly enter into the Property Management Record System all such items.

In order to meet these goals, access to the Property Section is strictly controlled by Evidence Technicians. Only authorized personnel shall have access to secured storage areas and anyone entering the secure areas of the Property Section will be required to sign in and out and state their purpose.

**III. EVIDENCE/PROPERTY/FOUND ITEM ACCOUNTABILITY**

A. Officers, Detectives, or Crime Scene Technicians collecting evidence, property, or found items are responsible for the proper preservation and safeguarding of these items until they have been secured in evidence lockers or released to the Evidence Technician.

1. Officers/Detectives/Crime Scene Technicians will ensure that all items have been properly marked and tagged prior to being placed into evidence.
2. No evidence or property will be left unattended, unsecured or turned into anyone other than the Evidence Section. If an officer collects evidence which needs to be processed, the evidence should first be placed into Evidence, the processing Detective may then check it out.
3. Any evidence or property shall be placed into evidence prior to the end of the officer=s tour of duty.
4. Evidence/property which is oversized, has an inordinately high value or which cannot/should not be placed in a temporary storage locker, will require that an Evidence Technician be called out to receive the property.

B. The Evidence Technician is responsible for the preservation, safeguarding and disposition of all property once it is in the custody of evidence.

The Evidence Technician is not responsible for any evidence/property which is not placed into the Evidence Section or which is returned to the owner/victim or another agency without correct paperwork.

C. No one other than the Evidence Technicians will schedule appointments for citizens for the purpose of releasing or viewing items. Citizens should be told to contact the Property Section during the normally scheduled hours to make arrangements concerning property.

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**D. The duties of the Evidence Technician are:**

1. Maintaining all evidence and property in a secure location designated as the property room.
2. Ensuring all evidence is correctly tagged and packaged prior to placement in storage.
3. Recording all submitted evidence and property as soon as possible.
4. Regularly inspecting and emptying the temporary storage lockers.
5. Maintaining a sign-in log at the entrance to the secured storage areas and be responsible for obtaining a signature for any/all persons entering the secure area.
6. Disposing of all property in accordance with standard operating procedures, all applicable laws and ordinances.
7. Ensuring that the Property Management Record System is updated on a daily basis.
8. Maintaining a computerized log of all items submitted for evidence or safekeeping. The log shall be maintained in accordance with the Property Section Standard Operating Procedures and shall contain the information documented by the submitting officer on the evidence tag.

The logs will be updated daily so they are available at any time for the purpose of an audit/inspection.

**E. The combinations or keys for the temporary storage lockers are kept in the office of the Evidence Technicians.**

**F. The Captain of Investigative Services or assigned designee shall inspect the property room and files, at least quarterly, to ensure that all procedures are being followed, and to ensure that proper accountability procedures are being maintained. These inspections will be periodically unannounced.**

If this inspection is unsatisfactory and cannot be corrected, the Captain may require the Evidence Section to be closed while a complete inventory is done.

**G. A complete annual audit of the property room(s) will be conducted by the Captain of Investigations or his designees. This audit will be conducted yearly at the discretion of the Captain of Investigations. Money will be audited monthly. In the event an Evidence Technician resigns or is terminated from their position, an inventory of property shall be conducted jointly between a newly assigned Evidence Technician and a designee of the Captain.**

**H. The release and/or disposal of evidence/property will be pursuant with all State/Municipal laws and court requirements. Many items maintained in Evidence qualify as “public records” and will only be released pursuant to department policies detailing access to police records (Chapter 5, Section 12). Requests for public records maintained by Evidence must be approved by the Deputy Chief or their designee prior to release.**

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1. Prior to releasing any firearms the Evidence Technician will send the Firearms Release Form to the designated Detective Sergeant to complete prior to releasing the firearm to the owner/designee. The Detective Sergeant will ensure the owner/designee is able to receive the firearm by law. Once the Evidence Technician receives the form back, they will be able to release the firearm.
2. If a third party is designated to take possession of evidence/property that was seized, the >Designation of Third Party to Receive Items= form will be utilized.

**IV. CHAIN OF CUSTODY**

- A. The necessary documentary information found on the property tag shall be completed prior to the submission of property or evidence into the temporary storage lockers or the Property/Evidence Room.
- B. All property and evidence are labeled with:
  1. Case number;
  2. Time/date;
  3. Offense/place of occurrence;
  4. Owner/Victim with known information;
  5. Offender/arrested with known information;
  6. Article with complete description;
  7. Type of property (Evidence/Found Property/Other);
  8. Officer's signature and badge number.
- C. If any illegible or improperly tagged items are left for the Evidence Technician, the officer will be notified to correct the deficiency and resubmit the evidence in a timely manner.

If the deficiency is not corrected in a timely manner, the Captain of Investigative Services will be contacted by the Evidence Technician.

**V. PROCEDURES**

All Property/Evidence shall be properly packaged in an approved container prior to storage. Certain items require specific packaging to provide for storage needs in special storage areas.

- A. Approved containers are:
  1. Evidence bags;



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2. Manila envelopes;
  3. Standard brown paper bags;
  4. Syringe/blade container; and
  5. Cardboard boxes.
- B. Each piece of property shall have a completed property tag either directly attached to the property, or firmly attached to the storage container.
- C. The property tag should be completed as follows.
1. Case Number or Incident Number
  2. Date/Time (submitted to Evidence);
  3. Officer (printed);
  4. Officer # and Signature;
  5. Incident Type (i.e. Auto Burglary, Suicide, Battery);
  6. Division;
  7. Suspect (if not immediately known, mark AUnknown@);
  8. Owner/Victim (if not immediately known, mark AUnknown@);
  9. Property Officer (to be filled in by Evidence Clerk);
  10. Instructions (i.e., Hold for prints, destruct, okay to release);
  11. Description of Property: The evidence sheet contains six blocks. Each block will list any and all items that are packaged together. Detailed descriptive information for each item should be placed alongside the item in the same block which may include serial numbers, model numbers, brand, color, size, etc.;
  12. Chain of Custody is printed with each transaction. Case report is printed, stamped, and signed and dated by the officer upon checkout of evidence and also upon the return of said evidence.

**VI. PACKAGING**

**A. Plastic Bags**

1. These may be used when appropriate; however, nothing wet, bloody or sharp shall be put in plastic bags.

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2. The property tag shall be firmly and securely attached to the package.

**B. Paper Bags**

1. These may be used when otherwise appropriate, but shall be used for all bloody or damp clothing after it has been dried.
2. The property tag shall be secured to the top of the paper bag once it has been folded over to seal the top. The case number, officer=s name and badge number, date and time of collection and description of contents shall be written on the paper bag. At least 2 inches at or near the top of the front of the paper bag directly under any tape used to seal it will be left blank.

**C. Cardboard Boxes**

1. Cardboard boxes are not readily available, however when cardboard boxes are used the most appropriate size box shall be used.
2. The property tag will be taped to the box if only one tag is needed. The case number, officer=s name and badge number, date and time of collection and description of contents will be written on the outside of box if possible. If several items from one case are separately tagged but placed in the box for storage, the case number and reference number shall be securely attached or marked on the box.

**D. Manila Envelopes**

1. These shall be used for paperwork, small items that are flat, small knives, bullets, narcotics, and handguns.
2. The property sheet may be attached to the back of the manila envelope or placed inside if not sealed. The case number, officer=s name and badge number, date and time of collection and description of contents shall be written on the outside of the envelope. The top two inches of the front of the envelope or area directly under the bottom portion of evidence tape used to seal the top of the envelope will be left blank.

**E. Syringe/blade containers**

The Evidence Section has supply of these small plastic tubes for use with syringes and blades. The tube will then be placed inside a plastic bag with a property sheet securely attached.

**VII. TEMPORARY STORAGE**

Since the Evidence Section is only available during specified hours, temporary storage areas have been designated to allow an officer to secure property when needed.

**A. Mailbox**

A mailbox is located in the hallway outside of the Evidence Room. All evidence that can fit

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through the opening can be placed in the mailbox with the exception of the following:

1. Glass items;
2. Bio-Hazard items;
3. Narcotics;
4. Syringes w/needles (unless stored in a round plastic container);
5. Breakable items;
6. Liquids;
7. Video Tapes.

**B. Metal Lockers**

1. Metal lockers located in the hallway adjoining the Evidence Section are to be utilized for anything which is not appropriate for placement in the mailbox.
2. When placing narcotics or bio-hazards into a locker the officer should ensure the appropriate magnetic placard has been placed on the outside of the locker.

**C. Outside Storage**

This area has been designed for large items which will not fit in a locker.

**VIII. STORAGE PROCEDURES**

**A. Firearms**

Due to the hazards involved with the handling of firearms, the following procedures will be used when submitting a firearm to Property:

1. All firearms will be unloaded outside the police building. If an officer is unsure of safe unloading procedures for a particular weapon, a firearm instructor or a supervisor shall be contacted for assistance.
2. If a weapon is seized and will need to be processed for prints it shall be packaged in the proper manner and have a notation on the outside of the envelope in large\bold lettering "Do Not Touch Needs to be Processed."
3. If there is dried blood on a handgun, it should be placed in a manila envelope with red "bio-hazard" labels placed on it. A rifle or shotgun should be placed in a red "bio-hazard" bag.
4. Each handgun shall be packaged separately in a manila envelope with a property sheet attached to the outside of the envelope.

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5. Unfired ammunition removed from the firearm, including magazines, will be secured with the firearm. All spent casings and/or projectiles shall be packaged individually. Place all small items into a plastic bag. If the weapon is a handgun, put the plastic bag inside the manila envelope with the handgun, if the weapon is a long firearm use the draw strings to attach the bag to the trigger guard. When removing ammunition and securing a firearm, DO NOT place anything down the barrel of the firearm and do not take the firearm apart unless this is the only way to render it safe. Use nylon ties when possible to secure the firearm for storage.
6. On long firearms, the property sheet will be either taped to the firearm or placed inside the locker beside the firearm.
7. Crime Scene Technicians or designee will process all firearms. Once processed, firearms will be placed in an appropriate box and labeled with the following information:
  - a. Make
  - b. Model
  - c. Serial #
  - d. Caliber
  - e. date
  - f. identification of the person who logs the weapon into evidence, confirmed that the weapon was cleared, fingerprinted, photographed, boxed, sealed, and tested.
8. All firearms that are seized by the Hobbs Police Department will be sent to the lab/I.B.I.S. or test fired in-house for identification purposes. Crime Scene Technicians are responsible for filling out the I.B.I.S. form for submission to the lab. Once a firearm is submitted to the lab, the I.B.I.S. form will be scanned into the case file. Firearms will not be released until an IBIS report is received from the State Lab. The detective/officer will be responsible for ensuring this is completed.

**B. Knives/Needles/Razors**

Due to the extreme biological hazards associated with these items, special attention and care must be used in collecting, packing, and submitting them.

1. Folding knives shall be closed and placed in their sheaths unless doing so could possibly destroy physical evidence.
2. Knives with exposed blades will be placed between two pieces of cardboard and will be secured to prevent the cardboard from being accidentally removed from the blade.
3. Each knife shall be placed in a separate evidence bag and properly identified.
4. Caution should be used when handling bloody knives. Protective rubber gloves shall be worn as protective measures.
5. Needles and Razors must be securely packaged to avoid accidental exposure or punctures. Needles should be placed in plastic tubes with lids. Razors should be secured with cardboard or paper and tape or placed in a syringe/blade container. The syringe tubes can

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be obtained from the evidence custodian.

6. When an officer places bloody items in a temporary storage locker, a red biological hazard magnet will be placed on the outside of the locker.

**C. Clothing**

It is necessary to dry evidence which is wet with body fluids prior to being packaged; the following procedures will be followed:

1. The evidence will be placed in paper containers as they are collected. Any paper bag or container used to package wet or bloody items will be saved and used to repack those items when they are fully dried.
2. Any wet or bloody items are placed in the investigations lab bio-hazard locker where they can be dried without contamination.
  - a. Once placed in the locker, it will be locked and only the Evidence Technicians will have access to it. The locker log will be started.
  - b. An evidence card will be completed and placed into locker #4 of the temporary metal lockers adjoining Evidence. Indicate on the evidence sheet that the item is in the drying locker. This ensures the Evidence Technicians are aware the evidence is in custody. A copy of the card will be placed on the door of the appropriate bio-hazard locker.
  - c. Within one week the investigating officer shall contact an Evidence Technician to accompany them to remove the evidence from the locker.
  - d. The investigating officer is responsible for removing the item(s), properly packaging them and turning them over to the Evidence Technician.
3. Each item will be packaged separately so that no cross contamination occurs or physical evidence is destroyed. Each package should display the red bio-hazard label.
4. Once any evidence has been removed and appropriately packaged, it will be the responsibility of the investigating officer to clean the locker with an acceptable disinfectant. No locker shall be reused until this occurs. The locker log will also be completed.
5. Once the above procedures have been followed, a supplemental report will be completed by the investigating officer documenting the item(s) was packaged and placed into evidence and that the locker was cleaned/disinfected.
6. No bloody clothing should be left in any temporary storage except these specially designed lockers.
7. Once the locker log page is filled, it will be maintained in a folder in the Criminal Investigations Division=s Lieutenant's office until all evidence pertaining to any listed case has been disposed of.

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**D. Items of Exceptional Value**

These items include but are not limited to money, jewelry, and furs.

**1. Money**

- a. All money shall be counted and inventoried using the 'two person rule' to insure the integrity of both the officers and the Property Section.
  1. Once the determination has been made to take money into custody the officer shall count the money in front of the person from whom it is being taken, if possible.
  2. The submitting officer will count the money again in the presence of a second officer or Department employee. At that time the money will be placed in an envelope with the following information written on the outside of the envelope:
    1. Offense/Incident number;
    2. Date;
    3. Dollar amount;
    4. Signature of the submitting officer;
    5. Signature of the witnessing officer or employee.
- b. The envelope shall have a property tag attached to it and placed in a temporary storage locker or turned over directly to an Evidence Technician. Money should always be tagged and logged in separately from any other evidence.
- c. When money in excess of \$500 is being placed into evidence, an Evidence Technician will be contacted to take immediate possession of it, bypassing the temporary storage.
- d. When the Evidence Technician completes their daily retrieval, the 'two person rule' will be used again. The envelope will be sealed and both persons will initial the outside of the envelope and evidence card verifying the amount inside.
- e. Once all verification has been made of the total amount, the money will then be logged into the safe ledger book and the envelope containing the money will be secured in the safe.
- f. If there is a discrepancy in the money, it will be returned to a temporary storage locker, the officers will be contacted so the discrepancy can be resolved.
- g. No money will be released for forfeiture without a District Court Order. The Evidence Technician must have written verification before a release will be

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executed. Upon verification, Evidence Technicians, using the two-person rule, will deposit the money at the City Clerks Office, maintaining the original receipt in Evidence and a copy being sent to the Captain of Investigative Services.

- h. Any funds which are not specifically evidentiary in nature will be deposited in the Evidence Trust Account. These funds will be transferred from the safe in evidence to the bank once the balance in the safe reaches \$1000. This transfer will be documented on the safe ledger. The bank's deposit record will also be maintained for verification of the transfer.
- i. Any funds which have been transferred to the Evidence Trust Account and are subsequently subject to release (through forfeiture or return to citizen), will be released by check requiring two authorized signatures. Releases will also be documented on the safe ledger.

**2. Jewelry**

- a. Jewelry shall be packaged in manila envelopes when appropriate and always separate from all other property.
- b. Stones should never be referred to a diamond, sapphire, etc. but as clear stone, blue stone, etc.
- c. Metal jewelry should never be referred to as gold, silver, etc. but as gold-colored, silver-colored, etc.

**3. Furs**

- a. Since furs require careful storage, which the Department is not equipped to handle, this type of item will be handled on a case-by-case basis.
- b. When tagging for submission to evidence, furs should be placed in a paper bag and the property tag attached to the bag.

**E. Alcoholic Beverages**

- 1. Each container shall be photographed and appropriately identified. This description will include Brand, Size, full/empty, and a total count.
- 2. Only the photograph will be placed into evidence. No containers, open or closed, will be accepted by the evidence technicians unless it is needed specifically for evidentiary value (homicide, prints, etc.).

**F. Narcotics, Drugs, Paraphernalia**

- 1. All Narcotics shall be logged in separately from all other property, including paraphernalia.
- 2. All narcotics should be weighed then sealed in a manila envelope. The weight shall be noted on the packaging. If the amount is too large for an envelope, it should be sealed in

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a paper sack. If the amount seized is of considerable size, an on-call detective should be contacted and will assist in packaging.

3. Manila envelopes containing narcotics shall have tape completely over the closure flap but not including the clasp. The officer will then initial over the edge of the tape and envelope and attach the property tag with the clasp. Always use the red security tape when packaging narcotics.
4. On the front of the manila envelope the officer shall write the Offense/Incident number, Date, Defendants name, officer=s name, description of drug evidence and gross weight.
5. Paraphernalia shall be packaged securely and sealed the same as narcotics.
6. When narcotics are left in a temporary storage locker, the officer will place a "Narcotic" magnet on the outside of the locker so the Evidence Technician knows which lockers contain narcotics.

**G. Bicycles**

1. The description shall be as thorough as possible, including Make, Model, Serial number, Color, Style, Size and any other description.
2. Bicycles shall be placed outside the main evidence door if an evidence technician is not available to take it.
3. The property tag shall not be attached to the bicycle when it is placed in the bike compound, but will be given to the Evidence Technician or slid under the Evidence Door.

**H. Flammable and Hazardous Materials**

1. Flammable liquids shall be placed in appropriate containers. All flammable materials are tagged separately and identified as such. This may include items with gasoline powered engines, etc.
2. Flammable materials shall not be stored in the Property Section. These items are stored in an outside storage area.
3. When the handling of any property presents a direct or potential safety hazard, officers shall contact a supervisor to determine what form of special assistance is needed.
4. Hazardous materials shall not be placed in the temporary storage lockers. An Evidence Technician shall be called out to take custody of any flammable materials.
5. Any Bio-Hazardous material that is not flammable shall be packaged properly and may be placed in one of the bottom temporary storage lockers.

**I. Evidentiary Photographs/checks/misc. papers**

1. Photographs and paperwork are placed in an appropriate manila envelope. The envelope is labeled with the case number, offense and date. Each envelope shall be tagged with a



property tag.

2. These items are stored sequentially in a designated file cabinet in a secure area.

**J. Perishables/Blood**

1. Perishables include meat, produce, candy, cookies, plants (other than contraband), dairy products or any other item subject to rapid deterioration, which has a limited shelf life or should be refrigerated.
2. All perishables shall be immediately photographed and released. All photographs and copies shall then be entered into evidence according to procedures listed above.
3. When other items are taken as evidence, such as blood used for an independent blood test for DWI or rape kits, the Evidence Technician shall be contacted to take immediate possession. These should not be placed in a temporary storage area.
4. The Property Section has a storage refrigerator available for items needing refrigeration placed into evidence. Items requiring refrigeration will be packaged and tagged separately from items that do not need to be refrigerated.

**K. Video/Compact Disc/Digital Video Disc Recordings**

1. Video Recordings, whether standard VHS, DVD, CD or 8mm, will be packaged the same. Each item will be placed in a 6'x9' manila envelope with the evidence tag secured to the metal clasp on the outside of the envelope. The case number, officer's name, badge number, and description of contents (i.e. AAudio CD@ or ADVCD recording@) shall be placed on the envelope.
2. These items are stored sequentially in a designated, secure area.
3. Only Evidence Technicians have the authority to duplicate the evidence. Duplication may be done at the request of the assigned investigating officer/detective. Any requests by officers for duplication should be made in advance to the Evidence Technicians.
4. If a defense attorney needs a copy of the incident from the disc, they must provide a copy of the Order of Appearance to ensure that they are the attorney of record.

**L. Computer Equipment**

Computer equipment can be severely damaged or data lost due to improper shutdown procedures. The following guidelines should be used when seizing computer equipment as evidence:

1. If the computer is in operation at the time of seizure, steps will be taken to ensure the computer is shut down properly. If the officer is unsure, he should contact one of the designated Detectives or the City computer specialist.
2. During transport of the computer and/or equipment steps should be taken to ensure it is not dropped, turned upside down or on its side.

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3. Any computer equipment should be placed into plastic bags to protect it from dust, etc. and tagged accordingly.
4. Due to potential for damage to the printer, the printer cartridge should be removed and stored in a separate plastic bag, if the removal does not hamper an ongoing investigation. This removal should be done by the investigating detective.
5. Any floppy disks should be stored in an area which has a controlled environment, as extreme temperature changes could damage the disk. Disk(s) will be placed into a small manila envelope and tagged accordingly. This may require they are packaged separately from other evidence.
6. Scanners should be treated carefully and prior to transport determine if there is a locking mechanism to engage.
7. All computer equipment should be examined by a person skilled in computer operation, prior to start up.

**M. Sexual Assault Evidence Kits**

Sexual Assault Evidence Kits (SAEKs) contain biological evidence and require special handling. The following procedure will be followed:

1. Evidence technicians will ensure the SAEK is sealed appropriately and that the following information is documented:
  - a. Patient/Victim Name
  - b. Date of birth
  - c. Name of examiner
  - d. Date of examination
  - e. Chain of custody is filled out
2. Ensure the NM State Laboratories DPS Forensic Lab Evidence Receipt is completed with required DNA authorization
3. Store the SAEK in a cool, dry place
4. Deliver in person or by priority mail the SAEK to the DPS Scientific Lab within 30 days or receipt
5. Maintain a record of the following dates in a central location:
  - a. Date entered into evidence
  - b. Date the SAEK was sent to the lab for testing
  - c. Date the report from the Forensic Lab was received
  - d. Date the SAEK was returned to department evidence
  - e. Date the SAEK was destroyed (if applicable)
6. SAEKs can be destroyed only when a court order is provided

**N. Drug-Facilitated Sexual Assault (DFSA) Samples**

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DFSA samples may be in addition to SAEKs depending on how the crime is reported to have been committed. These samples should be transferred to the State Laboratory Division (SLD) of the Department of Health as soon as possible due to drugs in blood and urine samples metabolizing after they are obtained. If there was a delay in submission, drugs may not be traceable. The following procedure will apply to DFSA samples:

1. Samples will not be packaged or stored with SAEKs
2. Samples will be refrigerated if held for more than 48 hours prior to transfer to SLD.
3. Samples will be sent to SLD the same day they are received by evidence or the next business day. They will be delivered by person or priority mail.
4. Samples should be tracked the same as SAEKs

**IX. TEMPORARY RELEASE**

**A. Authorized Release**

1. Property/Evidence may be temporarily checked out of the Property Section by employees when authorized. This authorization may be for court, processing or identification purposes.
2. Property may be checked out when necessary for court appearance, transportation to a crime analysis lab or by an investigating officer.
3. If the officer assigned to the case has left the employment of the Department, for whatever reason, and no other officers were assigned to the case, the Evidence Technician will be required to produce the evidence in court.

**B. Check Out Procedures**

1. The requesting officer furnishes the case number 24 hours in advance for the property in question. The Evidence Technician then retrieves the property from the storage bin.
2. The appropriate chain-of-custody information is completed on the evidence tag.
3. A periodic check on the status of the property is completed. If the property has been checked out for more than one week, the Evidence Technician determines its location and assures that its continued check out is necessary.

**C. Property Return**

1. Checked out property shall be returned by the employee who signed it out. This may be accomplished by either turning it over directly to the Evidence Technician or placing it in a temporary storage locker.
2. Before the Evidence Technician acknowledges receipt of the property back into the Property Section, it will be inventoried.

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If there is a discrepancy, the Evidence Technician will not continue. An attempt will be made to correct the discrepancy; if none can be made, the Evidence Technician will note the discrepancy on the evidence tag, notify the officer's immediate supervisor and complete a supplemental report.

3. The property will be returned to the originally assigned bin or storage location by the Evidence Technician.

**D. Court Retention of Property**

1. If the property is retained by the court the employee shall notify the Evidence Technician in a timely manner.
2. If the court retains only a portion of the property the employee shall return the remainder of the property and notify the Evidence Technician of exactly which items were held.
3. The Evidence Technician makes a notation on the property tag and the computer property list of any such retention.

**E. Laboratory Submission**

1. The chain-of-custody on the property tag shall be completed when property is checked out to be sent to a laboratory for analysis. The requesting employee shall fill out a 'laboratory submittal' form along with a request for written laboratory results and package the property that is to be sent. The laboratory submittal form must be filled out as required by the New Mexico State Lab or it will be rejected.

When packaged for laboratory submittal, the packaging must conform to U.S. Postal Service guidelines or safety considerations for personal transfer. In order to maintain the chain-of-custody, any evidence which is mailed will be done so via registered mail or other reputable parcel service. If the package is not able to be shipped via mail, the Detective or designee will hand deliver the evidence to the lab along with the laboratory submittal form which is signed by the agent who receives the evidence. The package will then be returned via the same method of transfer.

2. The determination of the method of transfer will be made jointly by the investigator and the Evidence Technician.
3. Property returned from a laboratory is handled in the same way as other property being returned with the exception that a complete inventory may not be possible because any evidence seals will not be tampered with. The property shall have the original case number and evidence card attached and is returned to its original location in the Property/Evidence Room.

**X. DISPOSITION OF PROPERTY**

All items will be released to the rightful owner or will be disposed of by the Evidence Technician in accordance with municipal ordinances, state statutes, or court order. Property unclaimed by the owner, that

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is no longer required for evidentiary purposes, is not needed for any public purpose, or has been left in the possession of the Department for more than 90 days shall be auctioned, reverted to City use, or destroyed. Cash money is receipted at City Hall and deposited into the General Fund.

**A. Evidence**

Once property is seized, it automatically becomes the property of the Hobbs Police Department, until a disposition is received and/or an authorization to release it by the seizing officer or the assigned detective.

**B. Found Property**

Prior to placing any found property into evidence, officers will attempt to identify the owner and return the property. If contact with the owner cannot be made during an officer's tour of duty, the item will be tagged into Evidence as found property.

1. Officers shall obtain pertinent information from the finding party including name, address, and phone number. Information concerning the finding party should be reflected on the evidence tag. If contact is made after the item has been tagged into Evidence, the owner will be provided the case number to assist in the return of the property.
2. Whenever any found property has remained unclaimed for more than 90 days, Evidence Technicians will attempt contact with the owner but if no contact is made, they will destroy or auction any property not claimed by the person who originally turned it in as found.

**C. Safekeeping Property**

1. Property may be tagged into the Evidence Unit for safekeeping when:
  - a. the officer has exhausted all other possibilities of disposing of the property,
  - b. the owner is known, and
  - c. the owner has a permanent mailing address.
2. The submitting officer will notify the owner that the property is being held by the Property Section and must be picked up within 30 days.
  - a. The date, time, and method of notification will be noted on the evidence tag.
  - b. The officer should notify the owner of the operational hours of the Property Section.
  - c. If the property is not claimed by the owner or an authorized representative within 30 days, it will be disposed of.
  - d. No contraband or alcoholic beverages will be accepted for safekeeping.
  - e. Officers will not take any non-evidentiary personal property from subjects being booked for safekeeping.

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- f. Objects or articles of a non-evidentiary nature should be left with the next of kin or secured at the scene at the time of the preliminary investigation. Property that is taken into police custody shall be tagged and logged into the Property Section for safekeeping. This property shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the Property Section supervisor.

Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed in accordance with Evidence Unit procedures.

**XI. DELINQUENT NOTICE**

- A. If an item has been authorized for release and the owner has been notified, but has not taken possession of the item within a reasonable time, the Evidence Technician, shall send a delinquent notice by mail to the owner to remind the owner to take possession of the item(s).
- B. The owner will have 30 working days to pick up the property. After this time, if the property has not been picked up by the owner, it will be destroyed or auctioned.

**XII. EVIDENCE SUBMITTED TO OUTSIDE AGENCIES**

- A. Evidence that is transferred from a scene or an officer's custody directly to an outside facility, bypassing the Department's Property Section, must still be cataloged by the Evidence Technician. This will be done from a completed evidence card that shows the full chain-of-custody on it.
  - 1. An inventory list or a receipt for evidence submitted to a facility other than the Department's Property Section should be submitted to the Evidence Technician.
  - 2. The information will be entered into the property control computer so that the location and status of the evidence can be tracked.
- B. If this Department recovers stolen property for another agency, that agency must provide verification prior to the release of any property.

**XIII. WEAPONS TEST FIRE FOR STATE LAB SUBMISSION**

**A. Overview**

The purpose of this program is to reduce the amount of time utilized in packaging, shipping, and analysis of firearms for IBIS entry purposes, as well as the shipping cost associated with this program. This program will allow certain firearms (i.e., safe keeping, misdemeanor cases, and select felony cases involving firearms) to be test fired locally without the need to ship all firearms to the NM DPS Lab. Firearms that have been utilized in violent crimes or in cases where there are comparative spent casings associated with the firearm (i.e., homicide, suicide, shooting at/from a

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motor vehicle, etc.) should be sent to the New Mexico Department of Public Safety Crime Lab for testing.

Firearms Examiners are appointed by the Deputy Chief over Criminal Investigations or his designee.

**B. General Safety**

1. The Firearms Examiners and trainees are routinely faced with a wide variety of safety concerns: high decibel noises, hazardous chemical and metal exposure, bio-hazardous exposure, and, of course, unsafe firearms. Eye, ear, and particulate mask safety equipment will be provided for the use of the examiner. Additionally, prior to handling a firearm, the examiner and trainees should participate in some type of firearms safety instruction.
2. The Firearms Examiner and trainees should be cautious when handling firearms which may contain chemical and/or biological hazards.
3. The Firearms Examiner and trainees should follow all range safety rules and procedures.
4. Any problems or doubt concerning the safety of the firearm should be brought to the attention of the Range Master or his designee. If doubt exists to the safety of direct firing then the firearm should be sent to the New Mexico Department of Public Safety Crime Lab for testing.
5. Only factory loaded ammunition will be used to conduct test fires. No Adown loaded@ or Ahand loaded@ ammunition will be utilized.

**C. Test Firing Safety**

1. Prior to test firing a firearm, it must be inspected to ensure that it functions safely.
2. If there is a reason to doubt the safety of a firearm or the ammunition used in it, the firearm should not be test fired.
3. Any problems or doubts concerning the safe handling or testing of a firearm should be brought to the attention of the range master or his designee.
4. Employees should familiarize themselves with the operational characteristics of the firearm to be tested and the ammunition to be used before conducting any test firing.
5. The test firing of firearms must be performed with the examiner wearing ear and eye protection. Any assistants or observers present during test firing are required to wear both safety glasses and ear protection. It is highly recommended that when test firing weapons the examiner wear a particulate mask, lab coat, and gloves. Assistants or observers will always remain behind or to the side of the shooter.
6. Handgun caliber weapons up to .45 calibers may be test fired into the (Forensic Buddy) bullet trap. The bullet trap will be placed on the firing line in the indoor range facing down range to provide maximum protection.

7. Rifle caliber weapons and shotguns can be test fired at the indoor or outdoor range and only the spent casings need be recovered.
8. Test firing should be done with a second examiner, trainee or assistant present, either in the room, or immediate vicinity.
9. A Firearms Examiner or Range Master may determine that a gun is unsafe to fire.

**D. Test Firing Protocol**

1. The examiner should examine the inner surface of the barrel and chamber(s) prior to test firing.
2. It is recommended that full metal jacket (FMJ) bullets be utilized for testing.
3. Typically, for IBIS entry purposes, two (2) cartridges should be test fired. It may be necessary to fire more or less cartridges depending on the ammunition and/or firearm involved.
4. Test fired components used for comparison purposes should be permanently marked for identification purposes with the item number and initials of the examiner. Test fires will be logged into evidence.

**E. Evidence Procedures**

1. Each firearm to be tested will be digitally photographed.
2. The photographs will be transferred onto a CD and logged into evidence.
3. The Crime Scene Technician conducting the testing will complete a Hobbs Police Department IBIS worksheet.
4. A copy of the IBIS worksheet will be turned into records.
5. The original IBIS worksheet will be placed into the envelope with the test fired evidence and logged into evidence.
6. Handgun caliber test fire casings and projectiles will all be placed into an envelope.
7. Rifle caliber and shotgun test fired casings will be placed into an envelope. Rifle and shotgun projectiles will not be recovered.
8. Test fired casings and/or projectiles will be sent to the New Mexico Department of Public Safety Crime Lab for IBIS entry and analysis.
9. Test fired casings and projectiles will be maintained by Hobbs Police Department Evidence Section after return from the crime lab.



**I. STATEMENT OF PURPOSE**

A commitment has been made to maintain professional standards and take a pro-active stance in the effective management of the Department. The following policy delineates the responsibilities of the Accreditation Office in maintaining this commitment.

**II. DUTIES**

The Accreditation Office reports directly to the Support Services Lieutenant. The responsibility of this office is as follows:

- A. The management and maintenance of all matters pertaining to the accreditation process.
- B. Maintaining the Department's Rules and Regulations Manual. This includes any revisions, deletions, reviews and modifications to existing policies as well as assisting with research and development of any new ones.
- C. Issuing revisions to the Department's Rules and Regulations Manual.
- D. The completion of an orientation to all newly hired employees on the accreditation process; to all employees during the self-assessment phase of the initial accreditation and each re-accreditation; and to all employees just prior to an on-site assessment of the initial accreditation and each re-accreditation.
- E. Involvement in the Planning and Research function.
- F. Prepare and maintain the Early Intervention System Files quarterly.
- G. Maintains the digital software program for Use of Force, Administrative Investigations, Citizen Complaints, Discipline, and Vehicle Pursuits. Prepares quarterly and annual reports of statistics necessary for accreditation purposes.

**III. PLANNING AND RESEARCH**

- A. It is the philosophy of this Department that each member has an interest and a responsibility to participate in the planning process. Members will be advised when planning sessions are scheduled and are encouraged to submit suggestions.
- B. The role of the planning and research function will be to assist the Chief of Police and staff in providing Department-wide planning and direction, and evaluation of the achievement of goals and objectives.
- C. Any reports generated from Planning and Research will be disseminated to the affected individuals and divisions.

**I. STATEMENT OF PURPOSE**

It is the intent of this policy to define the procedural operations of the Hobbs Police Department as it relates to the National Crime Information Center's (N.C.I.C.) capabilities and requirements, as accessed through our New Mexico Law Enforcement Telecommunications System (N.M.L.E.T.S.).

N.C.I.C. is for the use and benefit of Criminal Justice Agencies. Strict rules apply to its use and dissemination of its information. The Chief of Police has the responsibility to ensure the Department complies fully with all applicable rules and regulations. Information obtained through the N.C.I.C. inquiry capabilities is used directly by our department or those criminal justice agencies with whom we hold a current user agreement.

**II. AUTHORITY OF REGULATIONS**

- A. This policy was developed from operating rules of the National Crime Information Center, the National Law Enforcement Teletype System, the New Mexico Crime Information Center and the New Mexico Law Enforcement Teletype System.
- B. The policy will be updated as necessary. However, should a conflict concerning what can or cannot be entered into N.C.I.C. or operational issues concerning the teletype arise, the N.C.I.C. Operating Manual and/or N.L.E.T.S./N.M.L.E.T.S. Manual will be the deciding authority.
- C. The Records Administrator of the Hobbs Police Department is designated as the Terminal Agency Coordinator (TAC). As such, the Records Administrator is designated as the controlling authority for the administration of N.C.I.C. matters for the Hobbs Police Department.

**III. DEFINITIONS**

**A. N.C.I.C.**

The National Crime Information Center is located in Washington, D.C. and managed by the FBI. Its function is to improve the effectiveness of law enforcement through the more efficient handling and exchange of documented criminal justice information.

**B. N.M.C.I.C. (Removed - no longer active file)**

**C. N.L.E.T.S.**

The National Law Enforcement Teletype System is a nationwide network which is managed by a non-profit organization. N.L.E.T.S. provides interstate teletype communications and access to each state's Department of Motor Vehicle, weather, state criminal history and access to Canada's similar files. The N.L.E.T.S. computer is located in Phoenix, Arizona.

**D. N.M.L.E.T.S.**

The New Mexico Law Enforcement Teletype System is a statewide network which is managed by the State of New Mexico and is located at the Department of Public Safety in Santa Fe. N.M.L.E.T.S. provides teletype communication between New Mexico Criminal Justice Agencies, New Mexico Department of Motor Vehicle, weather and other files.

**E. T.A.C. - TERMINAL AGENCY COORDINATOR**

The T.A.C. is responsible for the local administration of the N.C.I.C. / N.L.E.T.S. / N.M.L.E.T.S. teletype system. This position is held by the Records Administrator in the Support Services Division.

**F. ACTIVE N.C.I.C. CASE**

An active record is defined as a case that has an item or person associated with the case entered into N.C.I.C. in one or more of the N.C.I.C. files.

**G. ACTIVE N.C.I.C. CASE MARKER**

A red marker the size of a file folder is placed in the case folder noting it has an active N.C.I.C. entry. All of the original paperwork is filed with the N.C.I.C. active reports located in the Communications Center.

**IV. SECURITY**

N.C.I.C. policy requires the following security measures for any terminal that accesses N.C.I.C. information.

- A.** The computer terminal area must have adequate physical security to protect against any unauthorized persons gaining access to the computer equipment, printouts or any of the stored data.
- B.** Visitors in the secured area must be accompanied by staff personnel at all times.
- C.** Terminal operators must be screened according to specific guidelines which include submission of fingerprint cards to the FBI.
- D.** All printouts from the teletype **MUST BE DESTROYED BY MEANS OF BURNING OR SHREDDING** upon completion of their usefulness. Teletype printouts must **NOT** be disposed of by merely throwing them in the trash. This includes motor vehicle records, N.C.I.C. returns, Triple I, etc.

**V. TELETYPE OPERATOR RESPONSIBILITIES, GENERALLY**

- A.** It shall be the responsibility of the teletype operator that begins an operation (entry, inquiry, clear, administrative message, etc.) to follow that operation through to completion; properly file all documents and copies of the transaction and related reports, as appropriate; and properly log all actions as required.
- B.** If circumstances prevent the finishing of an operation prior to the end of the operator's shift, it is the responsibility of that operator to inform either the person relieving them or the on-coming shift supervisor (depending on circumstances) of the pending operation. It will then be that person's responsibility to complete the operation, either personally or by assignment. If assigned, the responsibility for completion transfers to the assigned operator.
- C.** Many teletype forms require or have a space for teletype operator name or number. Anytime such a teletype is sent, the operator will include their name or number, as appropriate.
- D.** It will be the responsibility of the person removing the teletype printout to take whatever action is required to properly deal with the message (filing, forwarding, responding, etc).

**VI. N.C.I.C. CRIMINAL HISTORY CHECKS (Triple III)**

- A. N.C.I.C. provides an on-line access to criminal history information. Access to this information is limited by N.C.I.C. policy as well as by law to Criminal Justice Agencies. It is the responsibility of our agency to insure that we do not transfer N.C.I.C. Criminal History Information to unauthorized persons or organizations (a list of authorized agencies is maintained by the teletype). Requests may only be made by employees of Criminal Justice Agencies, (e.g. Police, Courts, Probation and Prosecutors). Public Defenders, private lawyers and other defense related people or agencies are NOT authorized to access Triple III information. A Detective/Officer can request a Triple III on a suspect in any ongoing criminal investigation. For further information and restriction on Triple III inquires/responses, refer to the N.C.I.C. Operating Manual.
- B. Emergency Communications Specialists will check for wanted in the N.C.I.C. files and will run a Triple III on every person arrested by the Hobbs Police Department. The return (even if negative) will be attached to the arrest report for the individual in question. It will then be the responsibility of the Police Services Division supervisor approving that arrest report to review the criminal history and take whatever action they deem necessary based on the information in the return (e.g. notification of jail for persons with escape records, attacks on peace officers or similar; notification of Probation Office for persons shown to be on active parole/probation; etc.) The Triple III return will remain with the original arrest report.
- C. N.C.I.C. states that information obtained from a Triple III should not be considered valid for use or dissemination on any other day than the day received. If a Triple III is submitted upon request of an officer, the copy of these returns, both positive and negative responses, are shredded, unless the requesting officer picks up the return. The criminal history returns can only be picked up by requestor.
- D. NO TRIPLE III INFORMATION WILL BE GIVEN OVER THE RADIO OR PHONE, unless it is deemed necessary for officer safety at the scene. It is OK to give "NO RECORD" responses over phone/radio, etc. Triple III information may be faxed only if the authorized person is waiting at the receiving end of the fax.
- E. Triple III's will not be run on any persons requesting a taxi or solicitor's permit, a clearance letter or a criminal record.
- F. Dissemination of Triple III information is regulated by Federal Law and violations of those regulations will be subject to local disciplinary action, State and Federal N.C.I.C. sanctions.

**VII. N.C.I.C. ENTRY**

N.C.I.C. has specific requirements for the entry of items and persons. These requirements are designed to provide the maximum reliability of information maintained in the N.C.I.C. files.

**A. Entry Requirements, Generally**

For maximum effectiveness of the system, N.C.I.C. requires the timely, correct and complete entry of persons and property. It is the responsibility of the investigating officer to request appropriate entries as soon as possible after the initial report, or becoming aware of enterable information (warrants issued for felonies or misdemeanors after the investigation, supplemental data, etc.). It is the responsibility of the Emergency Communications Specialist receiving the entry request to make the entry as soon as possible, following the entry checklists and entry policy. Entry requests that do not meet N.C.I.C.

entry requirements (wrong or incomplete data) will be returned to the approving Supervisor. All felony warrants are entered into N.C.I.C. with the extradition information documented in the miscellaneous field.

B. Valid Report Required

N.C.I.C. entries must be supported by a valid report or arrest warrant. Entries other than missing persons and/or runaways must have a report completed and approved before the entry is made to insure a multi-level review of the facts and a determination that those facts support an entry. Missing persons including runaways will be entered within two (2) hours from the time the call is made to dispatch. When warranted, possible abductions, suspicious circumstances, etc.; officers on the scene will provide dispatch with the minimum information needed for immediate entry. The Emergency Communications Specialist will modify the entry with the additional information provided on the written report and Entry Request Form as soon as it is approved. Any time an N.C.I.C. entry is made a written report is completed even if the missing person is located in a short amount of time.

C. Entry Forms Required

All requests, other than misdemeanor warrant (see below), for entry of any person or any property into N.C.I.C. must be made by an officer of this department. Request for entries shall be made on the designated forms. It is the responsibility of the requesting officer to include as much information as is known and can be documented. Extradition information must be clearly defined on the entry form; example full extradition, extradition surrounding states only, etc. All information on the entry form must be supported by the report of the incident, our files or other sources, provided those sources are documented either by teletype returns or reports in file. All such documentation shall be included in the report file for use in validations and responses to hits. No information shall be entered into N.C.I.C. unless it is fully documented in the case file, or on previous arrest reports in the case of physical identifiers of persons.

The entry form must be approved by the requesting officer's supervisor, except: when the requesting officer is a Detective, or when the requesting officer is a supervisor. In those cases, the requesting officer shall sign the Entry Request Form as both the Requesting Officer and Approving Supervisor. The approving supervisor will also date and time the Form when approved.

D. Misdemeanor

The entry forms for misdemeanor warrants are completed by the processing Records Technician and then given to the Emergency Communications Specialist for entry. All magistrate misdemeanor warrants will be extradited in-state only unless the district attorney's office states differently. All municipal court warrants will be extradited within Lea County only. The extradition information is entered into the MISC field of the entry.

E. Special Vehicle Entry Requirements

Anytime a vehicle is entered N.C.I.C. in any category, a photocopy of the Title is required or teletype registration return to be attached to the N.C.I.C. Entry Request Form by the requesting officer. This is required to eliminate errors in transcribing license and/or VIN information from one source to another.

F. Entry Responsibilities

When the approved Entry Request Form is turned in to an Emergency Communications Specialist for entry, he or she is responsible for determining the proper entry codes (using the N.C.I.C. Code Manual) and entering the information into the N.C.I.C. System. If the Emergency Communications Specialist determines that incorrect or incomplete data prevents proper entry, the Entry Request Form will be returned to the approving supervisor for modification prior to entry. During the entry process, the Emergency Communications Specialist will follow the checklist on the entry form. By following a standard procedure, maximum correct information is included.

The entering Emergency Communications Specialist must pack the entry with all the available information from our local computer, motor vehicle files, and from the Triple I file.

After an entry has been accepted by N.C.I.C., the system will acknowledge acceptance and issue a number called a "NIC" number. The Emergency Communications Specialist making the entry will enter this number in the space provided on the entry request form. The NIC number is the main N.C.I.C. reference number used on the entry. All supplemental entries, locates, clear/cancel or other transactions reference this number. The Emergency Communications Specialist will complete the entry process by signing, dating and timing the Entry Request Form.

When the last known address of the person is not local but is within the extradition boundaries of the warrant, a teletype is sent to the appropriate agency notifying them of the warrant. The teletype should detail the warrant information, the identifiers of the subject and the last known address.

G. Supervisory Review of Entry

Once an entry has been completed, the on-duty Emergency Communication Supervisor or Senior Officer will review the entry and associated data. If the supervisor determines the entry accurately reflects the known data and is appropriate, the supervisor will sign the Entry Request Form, indicating their approval. If a problem is detected, it is the responsibility of the reviewing person to direct the correction of that problem. A second party review is required when the person making the entry is the supervisor. The reviewing party will sign off on the entry form.

H. Records Processing Responsibilities

After the entry and approval process is complete, the entry and associated paperwork will be placed in Records basket for processing. It is the responsibility of the Records Technician to enter the NIC number in the local computer with the associated property or person. Once the processing is completed, it is the responsibility of the processing Records Technician to file the entry with the associated report.

I. Multiple Warrants

When multiple warrants exist for the same subject the warrant with the most severe charge will be used for the main entry. If there are both magistrate and municipal court warrants, the magistrate warrant is entered and the municipal warrant is detailed in the MISC section. If the multiple warrants derive from the same court the bond amount is totaled and the additional warrant(s) is detailed in the MISC section.

**VIII. STORAGE AND MAINTENANCE OF ACTIVE NCIC CASES**

- A. N.C.I.C. requires that all Active N.C.I.C. Case files are rapidly accessible to teletype operators around the clock. To meet these requirements, the Hobbs Police Department will store case files containing active N.C.I.C. entries in one central location, regardless of the year of the case or the type of case file.
- B. The active N.C.I.C. Case files will be filed in numerical sequence by year in the designated N.C.I.C. case file section in Communications. For reports filed prior to January 1, 1992 (using old numbering system), Offense reports will be in numerical order immediately preceding the Crime reports for each year.
- C. After entry into N.C.I.C., the Emergency Communications Specialist forwards the original case report along with copies of the entry form and teletypes to the Records Personnel. The original entry form and teletypes are filed with the active N.C.I.C. cases along with a copy of the report by the Emergency Communications Specialist. It will be the responsibility of the Records Personnel processing the case report to prepare a red ACTIVE N.C.I.C. CASE marker which is placed in the case folder. The red marker is an indicator that the case file is in the N.C.I.C. section. The Records Personnel will file the original report in the designated area in the Dispatch Center for active N.C.I.C. cases.
- D. Anytime any teletype communication is sent or received concerning the N.C.I.C. entry, a copy of the teletype shall be placed in the case file containing that entry.
- E. Refer to "CLEAR/CANCEL PROCEDURES" for information on removing cases from the Active N.C.I.C. Case File Section.

**IX. N.C.I.C. HIT NOTIFICATION / CONFIRMATION PROCEDURES**

The Hobbs Police Department will follow all N.C.I.C. regulations concerning N.C.I.C. Hit Confirmation procedures. The teletype operator receiving a confirmed hit shall submit a YQ (Confirmation Request teletype). If a YQ is received from another agency for our entry, the operator receiving the YQ shall pull the associated case and respond appropriately within the 10 minute limit with a YR (Hit Confirmation Response teletype). It is the responsibility of the teletype operator receiving the hit notification to properly process such responses. Copies of all transactions will be placed in the case file.

**A. Internal Hit Notification Procedures & Responsibilities**

When a teletype is received indicating another agency has located or apprehended the subject of an N.C.I.C. entry by our department, it is the responsibility of the teletype operator receiving the message to initiate and conduct several internal processes in addition to those required by N.C.I.C. These internal procedures are designed to insure review and tracking of the hit and related actions.

**1. Missing Person/Runaway**

When we are notified by another agency that they have located a person who is entered into N.C.I.C. as a missing person or runaway, a member of Patrol Services is promptly notified. Patrol Services will follow up by contacting the locating agency and by submitting a supplement documenting the follow up. Patrol Services will also contact the parents and/or reporting person on the original report.

2. Hit Notification (Warrant)

The teletype operator shall complete the appropriate sections of the N.C.I.C. Entry Removal/Hit Notification Form (Form N.C.I.C.-CL). The original teletypes, warrant, etc. are forwarded to the Records Personnel who notify the Lea County Sheriff's Office so that extradition procedures may begin. The Records Technician will fax a copy of the warrant and the associated teletypes to the Lea County Sheriff's Office. The original warrant is given to the Warrant Officer who delivers them to the Lea County Sheriff's Office. After processing, the documents will be placed in the case file.

3. Local Computer

The Records Technician who processes the paperwork will remove the warrant from the local computer.

4. Case Officer Responsibilities

It shall then be the responsibility of the case officer for the case (assigned detective, assigned Patrol Services officer, or other person designated by those division's supervisors) to follow-up on the recovery/apprehension and submit a supplement documenting those actions and the disposition of the recovered property or arrested person.

**X. CLEAR / CANCEL PROCEDURES & RESPONSIBILITIES**

Items will be cleared/canceled from N.C.I.C. upon documented notification that the item is recovered or no longer a valid entry. This includes confirmed locate messages and validation responses from the assigned investigator. The clear code is used to remove the record from N.C.I.C. when the item or missing person has been located or the wanted person is in custody. The Cancel code is used to remove the record from N.C.I.C. when it has been determined that the record is invalid or should have never been entered into N.C.I.C. It is the responsibility of the Records Technician who is processing the case report and/or arrest report to query the N.C.I.C. record to confirm that it was removed. If it has not been removed, the Records Technician will promptly do so and notify the Records Administrator.

A. Circumstances for Removal

Removal of entries from N.C.I.C. are normally done under one of two circumstances: (1) the item/person is located and is in custody, either locally or with another agency; or (2) the justification for the item/person entered is no longer valid (case unfounded, item found by owner, missing person returned, ADA authorizes removal, warrant recalled/dismissed, validation cannot be completed, etc.). N.C.I.C. will also purge certain entries after specified periods (refer to N.C.I.C. Operating Manual).

1. Entry Subject Located

When an entry is cleared from N.C.I.C. because the item/person has been located and is in custody (requiring further action to get the item/person back to Hobbs) the item/person will be cleared from N.C.I.C. by Emergency Communications Specialist/Records Technicians provided: (1) The locating and custody are documented by teletypes from the recovering agency; (2) The removal is approved by the operator's supervisor. Refer to the section on INTERNAL HIT PROCEDURES, above for other requirements.



2. Entry Justification No Longer Exists

When an entry is canceled because the justification for the entry no longer exists, the reason must be documented either by teletypes, supplemental reports or written authorization from an appropriate authority. As above, the teletype operator removing the entry will complete the appropriate sections of the Removal Form and attach copies of the justification (teletypes, reports or written authorization) to the form, along with all transactions concerning the removal. Processing will be the same as shown above.

3. Clear/Cancel

The cancel code is used to remove an entire record from N.C.I.C. when it has been determined that it should NOT have been entered or is a test record. This code will be used on warrant recalls that are checked canceled.

The clear code is used to remove an entire record from N.C.I.C. when the person/item has been located. This code is also used on warrant recalls that are checked paid in full or deceased.

B. Special Cases

Certain cases involving Missing and Wanted persons have other requirements:

1. Missing Persons

N.C.I.C. automatically clears Missing Persons from N.C.I.C. upon receipt of a confirmed locate message or supplemental information advising of located status. The person does not need to be in custody. If the person does not return after being located, the person is no longer considered a Missing Person from our jurisdiction.

2. Wanted Persons

Wanted Persons are cleared from N.C.I.C. upon notice of arrest and/or receipt of confirmed locate messages indicating the person is in the custody of a criminal justice agency on the entered charges. Wanted persons may also be cleared from N.C.I.C. after written notification that the warrant such entry was based upon is no longer valid (recalled, dismissed, etc.); the District Attorney's Office files a Nolle Pros (dismisses the case.)

C. Removing N.C.I.C. Case from Active Status

Once an N.C.I.C. entry is cleared, the operator making the clear/cancel transaction will check the associated case file. If the entry cleared/canceled was the only remaining active N.C.I.C. entry in the case, the case will no longer be an Active N.C.I.C. Case. (If there are other active N.C.I.C. entries in the case, the case will remain an Active N.C.I.C. Case until all N.C.I.C. entries associated with that case are cleared (for whatever reasons), and will remain in the Active N.C.I.C. Case file section.)

When the case is no longer an Active N.C.I.C. Case, it is the responsibility of the Emergency Communications Specialist/Records Technician processing the last clearance/cancellation to remove the case file from the Active N.C.I.C. Case file section and return it to its proper file location. The

RED N.C.I.C. Active Case Marker will be removed, the case number marked off and returned to storage for future use.

In the case of a missing person being located, additional forms must be completed: State Registrar Birth Certification Flag Form – Cancellation and on the original New Mexico Department of Public Safety Endangered Person Advisory Report Form the word “located” written in the upper right hand corner of the form with the location date. Both forms are faxed to the appropriate agencies. The State Registrar Birth Certification Flag Form – Cancellation is also mailed.

**XI. N.C.I.C. ENTRY REQUEST AND CLEARANCE FORMS, AUTHORITY**

- A. To facilitate complete and proper entry of items and persons into N.C.I.C., the department has designed entry forms that are to be used by those requesting entry and those making entry. The forms have the actual information needed and a checklist to insure that all the necessary information is contained in the entry.
- B. The Terminal Agency Coordinator (T.A.C.) has the authority and responsibility to develop, modify or approve all department forms used for N.C.I.C. purposes. New or modified forms shall follow Department guidelines governing forms control.

**XII. VALIDATION**

- A. Validation requires the entering agency to verify that the record is complete, accurate, and still outstanding or active.
- B. Validation is accomplished by reviewing the original entry and current supporting documents. Recent consultation with any appropriate complainant, victim, prosecutor, court, motor vehicle registry files, or other appropriate source or individual also is required with respect to Wanted Person, Missing Person, and Vehicle files.
- C. Records that cannot be validated, i.e., unable to locate original warrant, unable to contact complainant, etc., must be canceled from N.C.I.C. unless or until sufficient written justification exists to leave the entry in N.C.I.C. This justification must be by authority of the investigating officer or supervisor or authorized court personnel.
- D. Validations are received monthly on the N.C.I.C. On-Line Validation system electronically.
- E. The validations are performed on-line within three (3) months of receipt of the validation notification.
- F. Following are the Validation Procedures in categorical breakdown for the Hobbs Police Department. These will be kept on file in compliance with N.C.I.C. regulations for review during an N.C.I.C. audit.
  - I. Wanted Persons Validation
    - a. Verify if the original warrant is entered into the local computer and is on file in the designated area in the Communication Center.
    - b. Pull corresponding report and warrant.

- c. Send list of warrants stating their criminal docket number, name of subject and charge to the issuing court to check for validity of each warrant.
  - d. On felony warrants a copy of crime report, warrant, complaint and affidavit are sent to the District Attorney's Office for review on prosecution and extradition restrictions.
  - e. Run Triple III on subject for any additional information, also check local files and reports/supplements for all available identifiers, information, and clearances etc. "Pack" the entry.
  - f. Run offenders Regional driver's license inquiry to ascertain if any recent license information is available for possible location of offenders.
  - g. Review the entry to ensure that no searchable data is entered in the miscellaneous field.
  - h. Perform needed transactions, i.e., modification, clear or cancellation. Make notations and update case file on the attached validation record sheet.
2. Missing Persons Validation
- a. Pull corresponding reports and check all supplements for additional information or clearances. Check for mother's maiden name on missing juveniles.
  - b. Run Triple III for identifiers, aliases etc. Check driver's license inquiry for possible location on subject or additional information. Check local file if applicable. "Pack" the entry.
  - c. Refer file to the Day Shift Officer in charge of Missing Person/Runaway reports for follow-up. The assigned officer will contact the complainant (where applicable) by telephone, mail or in person and determine the status of the missing person.
  - d. Perform needed transactions, i.e., modification, clear or cancellation. Make notations and update case file on the attached validation record sheet.
3. Vehicles / Boats / Trailers Validation
- a. Pull corresponding reports and verify that all available information from reports and supplements is entered in correct fields.
  - b. Check with victim to verify information and ascertain any additional information and if still willing to prosecute. If unable to locate victim locally, run Regional driver's license inquiry, if unable to contact by phone, send letter for missing items to subject and allow 2 weeks for response.
  - c. Run VIN regionally to determine if registered elsewhere.

- d. Perform needed transactions, i.e., modification, clear or cancellation. Make notations and update case file on the attached validation record sheet.
- 4. License Plates Validation
  - a. Pull corresponding report and check all information in report and supplements for correct N.C.I.C. entry.
  - b. Contact victim to ascertain new information and if willing to prosecute, run regional driver's license inquiry if unable to locate victim. If unable to contact by phone send letter for missing items and allow 2 weeks for response.
  - c. Perform needed transactions, i.e., modification, clear or cancellation. Make notations and update case file on the attached validation record sheet.
- 5. Firearms Validation
  - a. Pull corresponding reports and check report and supplements for additional information.
  - b. Validate entry with all available information and verify codes and fields.
  - c. Contact victim/reporting person for additional information and if victim is willing to prosecute. Check local records or run regional driver's license inquiry for location of victim. If unable to contact by phone send letter for missing items and allow 2 weeks for response. If unable to contact victim or the victim is unwilling to prosecute a letter is sent to the investigating officer or supervisor who will authorize retention or removal of the firearm from N.C.I.C.
  - d. Perform needed transactions, i.e., modification, clear or cancellation. Make notations and update case file on the attached validation record sheet.
- 6. Articles Validation
  - a. Articles containing a TYP field code beginning with AT@ are retained in the N.C.I.C. Article File until it is cleared or canceled by the originating agency. All other article entries are not validated because they only have a retention period of the balance of the year entered plus one additional year.
  - b. Pull corresponding reports and check report and supplements for additional information.
  - c. Validate entry with all available information and verify codes and fields.
  - d. Contact victim/reporting person for additional information and if victim is willing to prosecute. Check local records or run regional driver's license inquiry for location of victim. If unable to contact by phone send letter for missing items and allow 2 weeks for response.

- c. Perform needed transaction, i.e., modification, clear or cancellation. Make notations and update case file on the attached validation record sheet
- 7. Securities Validation
  - a. Pull corresponding reports and verify entry with report and supplements.
  - b. Contact victim and ascertain if outstanding, correct and if subject is willing to prosecute offenders. Check local files and run regional driver's license inquiry for location of victim/reporting person if necessary. If unable to contact by phone send letter for missing items and allow 2 weeks for response.
  - c. Perform needed transactions, i.e., modification, clear or cancellation. Make notations and update case file on the attached validation record sheet.

### **XIII. REFERENCES**

#### **N.C.I.C. OPERATING MANUAL:**

Intro-26, Intro-27, dated 5-31-89.  
N.C.I.C. Update 89-5, dated 12-29-89, page 2.

#### **N.M.L.E.T.S. OPERATING MANUAL:**

4.10.1 Page 4-7 dated 03/01/93  
3.6 Page 3-6 dated 03/01/93

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**I. STATEMENT OF PURPOSE**

Municipal Court is a separate entity from the Police Department; however, the Department has accepted the responsibility for providing courtroom security on an as-needed basis per requests from the Court. Municipal Court has agreed to abide by the following guidelines when an officer is needed for security

**II. UNIFORM/EQUIPMENT**

- A. The officer will follow the guidelines set forth in maintaining equipment and uniforms.
- B. The following equipment will be immediately available to the officer and maintained in a state of operational readiness:

1. Handcuffs;
2. Belly chains;
3. Transportation.

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- C. The following security equipment is installed in the courtroom and clerk's office:

1. Closed circuit TV;
2. Duress alarms at the judge's bench and clerk's office.

**III. SECURITY**

- A. Specific areas in the court building are off limits to unauthorized personnel. These areas shall remain locked during business hours.

- B. In order to minimize the potential for violence or disruption in the court room, the officer shall:

1. Conduct a physical inspection of the courtroom prior to and at the end of each court session.
2. Secure the courtroom when the court is not in session
3. Be familiar with the daily schedule of the court and the judge in case special security is warranted.
4. At the direction of the judge, or at the discretion of the officer, inspect and search persons and personal effects entering the courtroom for weapons or recording equipment.
5. Maintain custody of prisoners in the courtroom or assist officers having such custody.

**IV. ARRAIGNMENTS**

Municipal Court arraignments are typically handled via video monitors; however, if that system is unavailable a temporarily assigned security officer will:

- A. Pick up an authorized transportation vehicle at the Police Department.
- B. Transport prisoners to court for arraignment ensuring dispatch is aware of the transport. No more than three (3) prisoners will be transported at one time. Belly chains and handcuffs are the only restraints

authorized for use. It is recommended that they be used together to minimize a prisoners ability to escape.

- C. Upon arrival at Municipal Court, the prisoner(s) will be escorted to the designated seating area where they will appear one at a time before the Judge.
- D. While prisoners are in the designated seating area, the adjacent door will remain locked to hinder a prisoner's ability to escape.
- E. After the prisoner(s) has been arraigned, the officer will transport back to the Detention Facility and repeat the process if necessary, until all prisoners have been arraigned. Dispatch will be notified of the transport.

**V. HIGH RISK TRIALS**

When warranted, special precautions shall be taken when a case being brought before the court is considered high risk. A variety of reasons might lead the Judge or court staff to conclude a high risk for violence or disruptive behavior may occur. In this event the following guidelines will be followed:

- A. The Judge or assigned officer may request additional personnel.
- B. Court clerk or the officer will notify dispatch that a high risk condition exists.
- C. The officer may clear the courtroom. This may entail allowing only participants in the case in the courtroom or may involve clearing the courtroom of all individuals with the exception of the attorneys and defendant and allowing witnesses to enter only for testimony.
- D. The officer may inspect and search persons and personal effects entering the courtroom.

**VI. COURT COMMITMENTS**

In the event a person appearing before the Judge is sentenced to immediate incarceration, court personnel will contact the Hobbs Police Department and request an officer to make the arrest

**VII. EMERGENCIES**

In the event of an emergency in the court building, Dispatch will be immediately notified. Any further action taken should follow established Department procedures. In any event, the first concern should be for the safety of court staff and civilians.

**VIII. RECORDING DEVICES**

Because Municipal Court is not a court of record, any recording devices, with the exception of the officers pocket recorders, shall be deemed contraband and dealt with appropriately.

**I. STATEMENT OF PURPOSE:**

The Volunteer Program is designed to provide a supplementary work force to assist in the various divisions in areas where there is an identified need. It is the policy of the Hobbs Police Department to use qualified volunteers for specified tasks and duties that can create efficiencies for the department and improve services to the community.

**II. GENERAL POLICY:**

Volunteers will be non-sworn individuals who perform services for the department without promise, expectation, or receipt of compensation. Volunteers will not be placed in situations where they would be expected to respond with police authority. Volunteers are prohibited from representing themselves as sworn officers or other full-time members of the Hobbs Police Department. They shall always represent themselves as volunteers.

**III. DUTIES, ROLE, SCOPE OF AUTHORITY AND CONFIDENTIALITY**

- A. The role of the volunteer is to supplement and support departmental employees.
- B. Volunteers will be under the supervision of the Chief of Police or his designee who will act as the Coordinator of the Volunteer Program.
- C. Volunteers may only be assigned to assist with the day-to-day support operations of law enforcement services with proper training for the task. Volunteers will not carry or display any weapon or unauthorized equipment while performing any function on behalf of the Hobbs Police Department.
- D. Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, or act as correspondents to the media without the direct authorization from the Chief of Police or his designee.
- E. The Hobbs Police Department requires all volunteers to subscribe to its ethical standard of conduct and to act in a reasonable, considerate, and professional manner to fellow volunteers, employees, and the community.
- F. Volunteers shall not publicize or release internal or confidential information of the department; nor shall any record be released outside the department. Disclosure of any information by any means shall be grounds for immediate dismissal and possible criminal prosecution.
- G. At any time, a volunteer can be dismissed for any reason deemed appropriate by the Chief of Police



**IV. SELECTION OF VOLUNTEERS:**

- A. Each applicant will pass a complete and thorough background check including employment record and criminal check
- B. Each applicant must have and maintain a valid Driver's License
- C. Each applicant must possess the physical ability to perform assigned tasks.

**V. IDENTIFICATION OF VOLUNTEERS:**

All volunteers will be issued an identification badge to be worn on their person at all times while in performance of assigned tasks. Identification will not be displayed or worn if not on duty.

**VI. EQUIPMENT:**

Any equipment assigned to a volunteer will be returned at the end of their shift.

**VII. EVALUATION:**

The volunteer program will be evaluated annually by the Chief of Police or his designee.

**CHAPTER 5**  
**SECTION 18 SCHOOL RESOURCE OFFICERS**  
**PAGE 1**

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(Eff. Date: 01/26/11))

**I. STATEMENT OF PURPOSE**

The Hobbs Police Department shall have designated officers to bridge the gap between police officers and adolescents in order to increase positive attitudes toward law enforcement, reduce juvenile crime, and enhance the safety on the school campuses.

**II. PROGRAM OBJECTIVES**

The School Resource Officer Program works to prevent juvenile delinquency and create favorable student-police officer relationships. The court system, school administrators, teachers, parents and students are all beneficiaries of the School Resource Officer program and, as stakeholders in the search for safer schools, should support and work with the School Resource Officer(s) to reduce violence in the schools. The following are the objectives of the program:

- A. Promote student understanding of the law and the criminal justice system.
- B. Decrease the number of occurrences of substance abuse and/or possession, theft, vandalism, weapons possession, fighting, harassment and trespassing during the school day and during extracurricular school functions.
- C. Decrease campus gang activity and involvement in gangs by the students.
- D. Improve adolescent attitudes and relieve student fears about law enforcement by familiarizing the student body with law enforcement personnel.
- E. Improve the awareness of the student body in the areas of drug resistance, alcoholic beverage avoidance, and their civil and civic responsibility by presenting education to students on these issues.
- F. Increase access of students to community agencies which offer assistance to youths and their families for problems that require professional help.

**III. DUTIES AND RESPONSIBILITIES OF THE SCHOOL RESOURCE OFFICER (SRO)**

- A. The SRO shall coordinate all of his activities with the principal and staff members concerned and will seek permission, advice and guidance prior to enacting any program within the school.
- B. The SRO shall develop expertise in presenting various subjects to the students. Such subjects shall include, but not be limited to, a basic understanding of the laws, the role of the police officer and the police mission.
- C. The SRO shall encourage individual and small group discussions with the students based upon material presented in class to further establish rapport with the students.
- D. When requested by the principal, the SRO shall attend parent/staff/administrative meetings to solicit support and understanding of the program.
- E. The SRO shall make himself available for conferences with the students, parents and faculty members in order to assist them with problems of a law enforcement or crime prevention nature.
- F. The SRO shall become familiar with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc.

- G. The SRO shall assist the school administration in developing plans and strategies to prevent and or minimize dangerous situations which may result from student unrest. These plans will have police department staff review and approval.
- H. Should it become necessary to conduct formal police interviews with the students, the SRO shall adhere to the legal requirements, police department policy, and school board policy for these interviews.
- I. The SRO shall take law enforcement action as appropriate. As soon as practical, the SRO shall make the respective school administrators aware of such action. The SRO shall take appropriate law enforcement action against intruders and unwanted persons who may appear at the school and related school functions, to the extent that the SRO may do so under authority of law.
- J. The SRO shall give assistance to other law enforcement personnel in matters regarding his school assignment or as otherwise necessary.
- K. The SRO shall maintain detailed and accurate records of the operation of their respective activities. These records shall include, but not be limited to, statistical findings from his school. The records will be submitted, on a monthly basis, to the supervisor of the SRO program.
- L. The SRO **shall not** act as a school disciplinarian, as disciplining students is a **school responsibility**. However, if the principal believes an incident is a violation of the law, the principal may contact the SRO and the SRO shall then determine whether law enforcement action is appropriate.
- M. The SRO is **not** to be used for regularly assigned lunchroom duties, bus duties, hall monitors or other monitoring duties. If there is a problem, the SRO may assist the school until the problem is resolved.

#### **IV. QUALIFICATIONS FOR SCHOOL RESOURCE OFFICERS**

Choosing well-qualified committed officers is essential to the success of the program. This section lists the SRO qualifications.

- A. The SRO must have completed a basic law enforcement training academy.
- B. The SRO must have one year as a commissioned police officer.
- C. The SRO shall have, and have demonstrated, a desire to work with juveniles and students and be comfortable with and professional toward them.
- D. The SRO shall have excellent oral and written communication skills and should be able to work with and involve people of all ages within and outside of the law enforcement community.
- E. The SRO shall have a commitment to substance abuse prevention education and a strong desire to work, as needed, as a classroom instructor, counselor and law enforcement officer.
- F. The SRO shall demonstrate good judgment, common sense and good organizational skills.

## **CHAPTER 6**

### **PATROL**

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## **CHAPTER 6**

### **PATROL**

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## **CHAPTER 6**

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**I. STATEMENT OF PURPOSE**

The Hobbs Police Department recognizes that "patrol" functions are considered to be a primary law enforcement function, which encompasses much more than the act of patrolling. The following information is provided to encourage officers to work within departmental goals and objectives and to facilitate the delivery of services to the community.

The responsibilities of the Patrol Services Division of the Hobbs Police Department may include, but are not limited to, the following:

- A. Preventive patrol (including inquiry and inspection activity) oriented toward the prevention of crimes and accidents, maintenance of public order, and the discovery of hazards and delinquency-causing situations;
- B. Crime prevention activities;
- C. Response to calls-for-services;
- D. Investigation of crimes, offenses, incidents, and conditions, including arresting offenders;
- E. Traffic direction and control;
- F. Maintenance of public order;
- G. Provision of emergency services;
- H. Development of relationships between citizens and the department;
- I. Reporting of information to appropriate organization components.

**II. WORK SCHEDULE**

- A. Calls-for-service are available 24 hours a day, every day of the week, within the city. Patrol coverage is provided 24 hours a day based on a shift schedule which is approved by the Captain of Operations
- B. Patrol officers are assigned to shifts based on resources, evaluation of calls-for-service and staff approval. These assignments may be subject to change at any time based on departmental needs.
- C. On a daily basis, patrol officers are assigned to areas within the city.
- D. Shift rotation is based on resources, evaluation of calls-for-service and staff approval.
- E. The days-off schedule for each officer is based on seniority and/or assignment which may be subject to change based on departmental needs.

**III. ROLL CALL**

- A. At the beginning of each shift, a roll call will be completed, unless exigent circumstances exist. This time allows for the following tasks to be completed.
  - 1. Briefing officers with pertinent information;
  - 2. Notifying officers of shift assignments;
  - 3. Notifying officers of new directives or revisions;
  - 4. Evaluating officers readiness to assume duties;
  - 5. Training.



- B. It is the responsibility of each member to acquaint themselves daily when on active duty, and immediately upon return from days off or any other absence, with the information on the police bulletin board pertinent to his assignment.

**IV. CALL-IN REPORTS**

- A. Sometimes, it may be possible and preferable, due to manpower and time constraints, to take a report or contact the reporting party over the telephone.
- B. The type of call where this protocol may be utilized is:
  - 1. Information;
  - 2. Minor thefts which are not in progress/no evidence;
  - 3. Runaway/Incorrigible Child;
  - 4. Lost Property;
  - 5. Supplements (with exception of Missing Person/Runaways);
- C. The only type of mail-in report that will be accepted are Worthless Check Reports.

**V. FIELD INTERVIEWS**

- A. When during his duties, an officer has occasion to question persons involved in suspicious circumstances, he shall record the identity of such person(s) on a Field Interview (FI) card. All spaces on the card should be completed, if possible.
- B. For purposes of compiling and analyzing statistical data, an FI card is required to be completed by every officer, to include detectives as well as patrol officers, who initiates an investigative detention that does not result in either an arrest, a criminal or traffic citation or a written warning (traffic).
- C. A detective who instructs another officer to detain an individual for the purposes of interrogation is deemed to have initiated the investigative detention, and this detective is the one required to complete the FI card.
- D. All FI cards are required to contain the following information:
  - 1. the officer's name;
  - 2. whether or not the detention involved a pat-down search;
  - 3. whether or not the detention involved a consent search;
  - 4. whether or not the contact was tape-recorded;
  - 5. the name, race and gender of the individual contacted; and
  - 6. the date, time and location of the detention.
- E. The following information must either be recorded on the FI card itself, or it must be recorded in another written report (CI, NI or SU) with the report clearly referenced on the FI card by way of a report number:
  - 1. an explanation of the facts establishing reasonable suspicion for the contact;
  - 2. if a pat-down search was conducted, an explanation of the facts establishing reasonable suspicion that required a pat-down in the name of officer safety; and

3. if a consent search was conducted, an explanation of the facts establishing reasonable suspicion that resulted in the request for a consent search.
- F. Completed FI cards shall be submitted to the Shift Sergeant by the end of the shift in which the contact occurred. If this required timely submission of FI cards does not occur, the explanation of delay in completing and/or submitting the FI card will be noted on the FI card.
- G. It is the responsibility of the Records Administrator to insure that all FI cards referencing a report number are attached to a copy of this report. Once the FI card is entered into the data base it is filed in the master FI card file.

#### **VI. INFORMANTS**

- A. A patrol officer may in the course of his duties develop an informant. All efforts should be made to keep the identity of this individual confidential, if so desired.
- B. The use of paid informants is permitted. If an officer wishes to utilize a paid informant, they must contact their immediate supervisor and then contact a Criminal Investigation Division supervisor.
- C. Any use of paid informants will follow the guidelines set forth for members of the Criminal Investigation Division.

#### **VII. RESPONSE TO CALLS**

As a general rule the following guideline should be utilized when determining the number of officers responding to a call for service:

- A. One officer should respond to routine calls where there is no element of danger anticipated.
- B. Two officers should respond to calls which are reported to be crimes-in-progress or where there is an element of danger.
- C. More officers may respond at the request of officers on the scene after preliminary assessment is made.

#### **VIII. SUPERVISOR AT SCENE**

In addition to officers, PSD Supervisor(s) will be notified and respond to the following:

1. Fatal/serious accidents;
2. Accidents involving police vehicles;
3. Pursuits;
4. Violent Crimes (Death/serious injury);
5. Hostage/barricaded subject/sniper situations;
6. Hazardous materials incidents;
7. Use of deadly force against or by department personnel;
8. Injury to an officer;
9. Riots/civil disorders or other major incidents;
10. Escapes;
11. When otherwise requested by an officer.

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**IX. CHANGE IN STATUS**

- A. Each patrol officer shall notify communications personnel when their patrol status changes (IE, traffic stops, arrival at a scene, completion of assignment, etc.).
- B. When doing so, officers will follow department communications procedure and keep the information brief. If the need arises for extended information the records channel or the telephone will be utilized.
- C. When checking out at a business always give a street address rather than just the telephone number or 'via radio'.

**X. EMS RESPONSE**

When responding to a call where a victim is obviously deceased, EMS should not be allowed in. If there is any question, EMS should be allowed in to check on the victim. No more than two EMS personnel will be allowed into the scene to check on the victim. The officer shall instruct them how to enter the scene and how to exit the scene to preserve any physical evidence. The officer shall also ensure that the names of the EMS personnel are noted in any applicable report.

**I. STATEMENT OF PURPOSE**

This policy establishes procedures and guidelines to be used in investigating reports of family violence. Family Violence is a serious danger and threat to society and its members. Victims of family violence are entitled to the maximum protection from harm or abuse as is permitted by law without regard to the relationship between the alleged offender and victim. The primary objectives in responding to a domestic abuse call are to de-escalate violent situations, to render assistance to the victim, to enforce the law against violators and to facilitate prosecution, where applicable.

**II. DEFINITIONS**

"Domestic Abuse" means any incident by a household member against another household member resulting in:

1. physical harm;
2. severe emotional distress;
3. bodily injury or assault;
4. a threat causing imminent fear of bodily injury by any household member;
5. criminal trespass;
6. criminal damage to property;
7. repeatedly driving by a residence or work place;
8. telephone harassment;
9. stalking;
10. harassment; or
11. harm or threatened harm to children.

"Household Member", as used in the Family Violence Protection Act (40-13-2), means a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section.

"Household Member", as used in the Crimes Against Household Members Act (30-3-11), means a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, co-parent of a child or a person with whom the victim has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section.

**PLEASE NOTE THAT IN THE CRIMES AGAINST HOUSEHOLD MEMBERS ACT, A CHILD IS NOT INCLUDED AS A HOUSEHOLD MEMBER.**

Consequently, if the victim of a domestic call is a minor child of the suspect/offender, the call will not be handled under the Crimes Against Household Member Act but will be handled as either parental discipline or abuse/neglect of a child, depending on the force used. If the victim is 18 years of age or over and the suspect/offender is a parent, the call will be handled as a battery. If the suspect /offender is the child of the victim or sibling of the victim, the domestic charge could be brought under either the Crimes Against Household Members or the Family Violence Protection Act, whichever is more appropriate.

"Co-Parent" means persons who have a child in common, regardless of whether they have been married or have lived together at any time.

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"Order of Protection" means an order issued by any State District Court Judge pursuant to the Family Violence Protection Act granted for the protection of victims of domestic abuse with a specific expiration date. Violation of an Order of Protection is a criminal offense.

**III. DUTIES OF POLICE OFFICERS**

- A. A police officer responding to the request for assistance shall be required to take whatever steps are reasonably necessary to protect the victim from further domestic abuse. In order to further protect a victim of domestic abuse who may have acted in self-defense, officers should attempt to identify the primary aggressor by evaluating injuries to the involved parties (offensive/defensive), witness, statements, information known to police based on previous contacts, and any other available evidence.
- B. Upon request of the victim of domestic abuse, arranging for transportation by private means or ambulance to a medical facility.
- C. Upon request of the victim of domestic abuse, accompanying the victim to the victim's residence to remove the victim's clothing and personal effects required for immediate needs and the clothing and personal effects of any children in the care of the victim.
- D. Advising the victim of the remedies available under the Family Violence Act/Order of Protection, filing of appropriate crime reports, procedure for obtaining a warrant and the availability of domestic violence shelters, medical care and counseling. A victim of domestic violence will be given an "OPTION, Inc." brochure stating the victim's rights in both English and Spanish. This will be accomplished by the officer at the scene.
- E. Officers shall arrest a person without a warrant when the officer is at the scene of a domestic abuse call and has probable cause to believe that the person has committed an assault or a battery upon a household member as defined above. When an arrest is made, officers shall charge the offender under the appropriate statute for battery and/or assault as authorized by 31-1-7, NMSA 1978. These laws can be used even when no Order of Protection exists.
- F. In keeping with the intent of the Family Violence Laws, if an officer determines that a prisoner is intoxicated or under the influence of narcotics to such an extent that it would be dangerous to permit them to remain at large, or if they reasonably believe that their release might further endanger the victim, the prisoner may be held until their court appearance. If such action is taken, the officer will cite the appropriate City Code Section in the report narrative as their authority. This section is limited to charges filed through City Court.
- G. The Hobbs Detention Facility will make a reasonable attempt to contact and advise the victim when the offending party is released from the detention facility. In order to expedite the process, prior to leaving the facility after booking a prisoner for Domestic Violence, the arresting officer will leave the name and phone number of the person that needs to be contacted with the on-duty detention officer. Any attempts will be logged in the Detention Facility Daily Log Book.
- H. Officers will enforce the provisions of valid Orders of Protection.
- I. Officers shall enforce the provisions of custody as set forth in a valid court order which may include removing a child/ren from the non-custodial parent or guardian.

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**IV. POLICE OFFICERS AS VICTIMS/ABUSING PARTIES**

The following procedures have been developed to ensure that department policy is applied fairly and impartially to all members of the community.

- A. When a police officer responds to a call of domestic abuse and finds that the offender or victim is another member of the Hobbs Police Department, the responding officer will call the Operations Lieutenant (if not available, the Watch Commander) to the scene.
- B. Should the victim/offender officer be of equal or higher rank than that of the responding supervisor, the responding supervisor will then contact someone of higher rank than that of the offender/victim.
- C. The supervisor will then become responsible for taking into custody the abusing party when appropriate.

**V. ORDER OF PROTECTION**

A victim of domestic abuse may petition the District Court under the Family Violence Protection Act for an Order of Protection. The Hobbs Police Department is required to keep petition forms for distribution to the victims of domestic abuse. These forms will be available at the Police Department and officers shall familiarize themselves with these forms and their implication in order to instruct victims of domestic abuse seeking such relief.

- A. Court orders may include, but are not limited to the following:
  - 1. Awarding temporary custody of the children and allowing for visitation rights and support;
  - 2. Ordering that respondent not initiate contact with petitioner;
  - 3. Restraining parties from disposing of personal property other than in the course of business, as directed by the Court Order;
  - 4. Enforcing other injunctive relief as the Court deems necessary, including orders to law enforcement agencies;
  - 5. Granting sole possession of the household to petitioner during the period the Order is effective or ordering the respondent to provide temporary suitable alternative housing for petitioner and any children to whom the respondent owes a legal obligation of support.
- B. A police officer shall arrest without a warrant and take into custody a person whom the police officer has probable cause to believe has violated any clauses as set forth in a valid Order of Protection. Prior to any arrests for violation of the Order of Protection, the officer will verify whether or not the respondent has been served with a copy of the Order by the Lea County Sheriff's Department. The officer may confirm the validation and service of the Order of Protection via phone, teletype, or other routine electronic means utilized by Dispatch.
- C. Any abusing party arrested for violation of the Order of Protection will be charged under 40-13-6(c), NMSA 1978, "Violation of Order of Protection" in Magistrate Court. A criminal complaint will be completed detailing the violations. A copy of the Order of Protection should accompany the paperwork to Magistrate Court. In addition, any additional criminal charges will be filed.
- D. If the alleged abusing party is not arrested, a report shall be filed detailing the allegations. A copy of the valid Order of Protection will be attached to the report.

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**I. STATEMENT OF PURPOSE**

In order to ensure that traffic law enforcement actions are in accordance with applicable laws and that they take into account the degree and severity of the violation, guidelines have been established to govern enforcement activities. The primary objective of traffic law enforcement is the promotion of traffic safety. All officers are expected to have a working knowledge of traffic laws and their proper application. All officers share the responsibility of traffic law enforcement.

*A fundamental right guaranteed by the Constitution of the United States to all who live in this nation is equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive our streets, highways, and other public places without police interference so long as they obey the law. They also are entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.*

*The Hobbs Police Department is charged with protecting these rights, for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system. Because of the nature of law enforcement, officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. It is this pro-active enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon and that detects and apprehends criminals.*

*The purpose of this policy is to unequivocally state that racial and ethnic profiling in law enforcement are totally unacceptable, to provide guidelines for officers to prevent such occurrences, and to protect our officers when they act within the dictates of the law and policy from unwarranted accusations.*

*This policy is intended to assist officers in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police. It is the policy of this department to patrol in a pro-active manner, to aggressively investigate suspicious persons and circumstances and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, an infraction of the law.*

**II. DEFINITIONS**

*Racial profiling: The detention, interdiction, or other disparate treatment of any person on the sole basis of their racial or ethnic status or characteristics.*

*Reasonable suspicion: Absent probable cause for arrest, an officer must have a specific and articulable basis in fact for suspecting criminal activity has occurred or is about to take place. The intrusion must be reasonable when viewed objectively in light of the circumstances, and the scope and character of the intrusion must be reasonably related to its purpose.*

**III. TRAFFIC ENFORCEMENT**

- A. Local government employees, including City of Hobbs employees, are not exempt from traffic laws even when the employee is operating a city vehicle.**

B. When an officer observes a traffic violation, the officer has the discretion to take one of these actions:

1. Issue a verbal or written warning .
2. Issue a traffic citation.
3. Make a custodial arrest.

These arrests normally should be limited to those which are required by law, necessary to protect the violator or the public from injury, or necessary to have a violator appear in court, or in cases of a violator's refusal to sign the citation.

C. A uniform traffic enforcement policy does not preclude the exercise of officer discretion. Discretion should be based on the seriousness of the violation and the action most likely to result in future compliance with the law.

D. Optional levels of enforcement may be utilized in incidents of:

1. Speed violations.
2. Hazardous violations other than speed.
3. Public carrier/commercial vehicle violations.
4. Other non-hazardous violations.
5. Off-road vehicle violations.
6. Multiple violations.
7. Newly enacted laws and regulations.
8. Pedestrian and bicycle violations.

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E. Uniform enforcement measures support the ultimate aim of traffic law enforcement which is to achieve voluntary compliance with traffic laws and regulations.

F. *Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters or reasonableness in conducting such activities*

G. Driver's License Violations

1. If DMV records indicate a driver has a valid license but they do not have the license in their possession, Officers may use their discretion as to whether or not to issue a citation.
2. Officers will take the following action(s) when handling individuals with Suspended/Revoked driving privileges in the State of New Mexico:



- a. If there is no arrest clause or there is indication the suspension/revocation is due to DWI offenses, Officers may only issue a citation with a court appearance date;
    - b. If there is an arrest clause or it is apparent the suspension/revocation is due to a DWI conviction or refusal to submit to chemical testing, Officers may use their discretion as to whether or not to cite or arrest;
    - c. Driver's who are found to be in violation of the interlock restriction will be handled as previously described;
    - d. If the driver is in possession of a New Mexico driver's license, that license will be confiscated and affixed to the citation;
    - e. Under no circumstance will the driver be allowed to continue operating the motor vehicle.
  3. These actions apply to both routine traffic stops and accident investigations.
- H. Equipment Violations
  1. Officers should use their discretion when issuing citations for equipment violations.
  2. If the vehicle in question is a company-owned vehicle, the following procedure shall be used:
    - a. If a citation is deemed appropriate by the officer, the company's owner, agent, or corporate officer eligible to receive a service of court summons should preferably be cited by summons into the appropriate court. Officers should keep in mind that the company representative must be present in Lea County in order to be served a summons through Municipal or Magistrate Court. This would include insurance violations under NMSA 66-5-205 (A) which should be noted in the citation.
    - b. If due to the totality of circumstances citing the company owner or other eligible representatives is not feasible, the citation will be issued directly to the employee operating the company vehicle. This would include insurance violations under NMSA 66-5-205 (B) which should be noted in the citation.
- I. Open Containers
  1. A traffic citation should be issued for the first offense. If a second or subsequent offense, the offender may be arrested.
  2. The person in possession of the alcohol will be cited. If a passenger is in possession, he will be cited for the violation and the narrative should indicate that the offender was a passenger.
  3. If the offender is under 18 years of age, he should be cited/charged with a criminal offense rather than a traffic citation.

J. Warning of violation for Casual Sales

1. Pursuant to the New Mexico Traffic Code, no person not a dealer can display for sale a motor vehicle at any location without the prior written permission of the land owner.
2. Officers will issue and place a "Warning Notice" onto the vehicles which are found to be violating this section of the New Mexico Traffic Code. The "Warning Notice" will include the date and time the notice is given.

IV. PROCEDURES FOR COMMUNICATIONS

When checking out with a vehicle the officer should relay the following information to dispatch in this order:

- A. location of stop; hundred blocks or intersections only.
- B. license plate number of vehicle;
- C. description of vehicle;
- D. *the specific reason for the stop.*

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V. OFFICER CONDUCT ON TRAFFIC STOPS

*Motorists and pedestrians shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit an infraction.* Upon observation of a violation, officers will stop the vehicle in a manner and location that minimizes danger to the violator, the officer and the public.

- A. The patrol vehicle should be parked safely behind the violator with emergency lights operating. Positioning of the vehicles should allow protection for the officer from traffic approaching from the rear.
- B. During hours of darkness, the spotlight may be directed at the rear window of the violator vehicle. This is generally done to allow the officer a better view of what is happening inside the violator vehicle.
- C. The department recognizes that with experience, officers may develop individualized approaches that they find work best for them in minimizing conflict during officer/violator contacts. Given some better approach, the following is recommended, in the order specified below:
  1. Give a greeting, such as Good morning, ma'am, Good evening, sir., etc.
  2. Identify yourself. Ex: I am Officer Jones of the Hobbs Police Department.
  3. State the reason why the person is being stopped or detained. Ex: I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a

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**SECTION 3 – TRAFFIC LAW ENFORCEMENT**

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complete stop. (Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension.)

4. It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity have their say, often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a different excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
  5. Politely ask for identification and any required documents. Ex: May I please see your license, registration, and proof of insurance?
  6. After completing any necessary paperwork, inform the driver or pedestrian as to what action is being taken and what, if any, the person must do as a result, such as how to pay any fine involved, see the judge, etc.
  7. Give an appropriate closing. For example, if the motorist was cooperative, Thank you for your cooperation may be in order. Do not use the trite expression have a nice day, which would be inappropriate in these circumstance. Please drive carefully, your safety is important to us is more appropriate.
- D. Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. The proper form must be filled out by the officer, and shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
- E. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirements, or the person(s) voluntary consent.
- F. If the police unit is equipped with a video camera, the video and sound shall be activated prior to the stop, to record the behavior of the vehicle or person, and shall remain activated until the person is released and resumes their journey.
- G. In the absence of a specific, credible report containing a physical description, a person(s) race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- H. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender, or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action, up to and including dismissal.
- I. The department provides public information pamphlets to officers regarding the purposes of pro-active enforcement which officers may distribute to each person subjected to such activities, whenever appropriate.
- J. Officers should maintain a professional image, in a pleasant, firm and businesslike manner.

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- K. Driver's license and insurance cards shall not be accepted until they are removed from a wallet or billfold.
- L. All necessary items needed for a traffic stop should be available within ready reach. The traffic stop should be completed as quickly as possible. If practical, a computer check shall be requested from communications or from the officer's mobile computer on the driver. While using the mobile computer if a NCIC hit or a revocation is observed these will then be confirmed with Dispatch prior to any enforcement actions.
- M. When practical this will be conducted on the passenger side of the vehicle while standing outside.
- N. Upon completion of the traffic stop, officers should return to their vehicles while maintaining a watch on the occupants of the stopped vehicle. Officers should allow the violator vehicle to leave first to afford protection from oncoming traffic.

**VI. SPEED MEASURING DEVICES**

- A. In order to ensure that traffic safety goals and objectives are met, the Department uses speed measuring devices in traffic law enforcement.
- B. Equipment used as speed measuring devices includes:
  - 1. Radar speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
  - 2. Calibrated patrol vehicle speedometers may be used to pace other vehicles. Speedometers are periodically checked by radar.
- C. At the beginning and end of each shift, radar site tests shall be conducted on radar units to determine accuracy and proper functioning. These tests include internal test, lamp test and tuning fork test.
- D. If a radar unit fails any of the tests, is damaged or exhibits decreased range, it shall be removed from service immediately.
  - 1. The radar unit will be turned over to the appropriate traffic officer, who will ensure that the radar unit is repaired.
  - 2. A maintenance and calibration log will be maintained for the radar units. This log will include problems that have been encountered with the radar, when it was sent for repairs, when it was returned to the Department and any calibration that was done on the radar.
- E. When utilizing radar, a speed tolerance of 10 mph is given to the violator unless running radar in a school zone. This tolerance factor is a guideline and cannot be stated as an absolute. The officer must show unsafe speed and may issue a citation for less than the tolerance factor if circumstances warrant.

- F. When utilizing radar in a school zone, the officer needs to ensure that the warning lights are operating properly, if lights are present, as well as ensure the school zone is properly posted.
- G. No officer shall utilize the radar unless they have been trained and certified in its use.

## VII. CITATION ACCOUNTABILITY

### Written Citations

- A. When a citation book is needed, the officer shall obtain the book from the Records Division. The Records Division is responsible for assuring that the books are in numerical sequence. Discrepancies shall be reported to the Records Supervisor.
- B. The Records Division shall be responsible for maintaining a record which includes the numbers of the books, the date of issue and to whom they were given.
- C. When an officer receives a citation book, he will check to see that all citations in the assigned book are in place and in numerical order. Missing or lost citations shall be reported immediately to his supervisor and the Records Supervisor.
- D. When an Officer needs to void a written citation he will ensure that all copies are intact and write void across the front of the citations. The officer then will indicate on the citation the reason it was voided, and will sign and date the citation. The citation will be turned into his supervisor for approval.
- E. If any officer places the citation into evidence, the officer will notify the Records Supervisor of the citation number.

### TraCS Citations Software

- A. Within the electronic citation system, officers are assigned citation numbers electronically. In the event the electronic system fails to produce numbers, the officer should immediately contact IT.
- B. When an Officer needs to void a TraCS citation he will complete the following steps:
  - 1. Inside the TraCS software the citation to be voided will be highlighted, right click on, and then select void citation.
  - 2. You will confirm that you want to void the citation. Once you select "YES": you will be prompted to fill out why you are voiding the citation, such as; "Driver located insurance".
  - 3. Once the form is voided, it will appear in the TraCS Forms Manager with a status of Voided.
- C. If the system is down and I.T. cannot immediately fix it, Officers are authorized to use paper citations until the issue is resolved.

**VIII. ISSUING CITATIONS**

- A. When issuing a citation, the issuing officer will confirm with the violator that all personal information on the citation is correct. A non-uniformed officer may issue a citation if they are wearing a Department windbreaker/jacket or are in the presence of a uniformed officer.
- B. Officers will inquire as to the violator's telephone number, place of employment and, if the violator is a female, her maiden name. All this information will be entered on the last line of the narrative. (If the female's maiden name is the same as indicated in the upper portion of the citation, 'MN:Same' will be placed on the last line of the narrative).
- C. In the event the citation is not electronically produced, officers will ensure that the citation is legible.
- D. Officers shall give the violator the option to appear in court or sign the penalty assessment. (The officer must confirm whether or not the violation is on the penalty assessment list. If it is not on the list, the violator will be cited into court.)
  - 1. If the violator chooses to mail in the penalty assessment he should be advised that it must be mailed within 30 days. The officer will ensure the violator has the correct address to use for mailing in the fine.

Penalty assessments are applicable only for those violations cited into Municipal Court. If the violation is referred to Magistrate Court, the violator must be cited into court. Penalty assessments are applicable only for traffic citations.
  - 2. If the violator is cited into Municipal Court, he will be cited into court at the specified time.
  - 3. If the violator is cited into Magistrate Court, he will be cited in for the next court appearance date at the specified time.
- E. The officer will ensure that the violator signs in the correct place prior to releasing the individual. If the violator refuses to sign a citation, a second officer will be requested. The violator shall be given a second opportunity to sign the citation, being advised that the failure to do so will result in a custodial arrest. If the violator still refuses to sign the citation, an arrest will be made.
- F. If there are any witnesses to the violation, list the name, DOB, address, work/home telephone number, and place of employment for each on the back of the original citation in the "Remarks" section. If there are no witnesses, state "No witnesses". When issuing an electronic citation, this information will be noted in the narrative of the citation.
- G. The citation must be turned in for supervisory approval on the same day it is issued. An electronic citation will be downloaded to the Records Department for approval. Once electronic citations are validated by the officer, no corrections can be made. If errors are found on the electronic citation it must be voided, reissued and the violator will be summonsed into the appropriate court.

H. The following traffic violations will require criminal complaints even when the violator is not arrested:

I. Reckless Driving

- I. If the violator, for whatever reason, is required to post bond on the citation, the officer will keep the driver's license of the violator and all copies of the citation. The violator will be escorted to the appropriate court, if during business hours, and to the police department before or after business hours. The violator will not be asked to sign the citation until after the bond has been paid.

IX. ENFORCEMENT METHODS

A. Routine enforcement

1. Traffic law enforcement activities are specifically directed toward controlling violations through preventive patrol and active enforcement.
2. The most effective deterrent to traffic law violations is visible patrol in a marked police unit.
3. In order to maintain a posture of prevention as opposed to apprehension, traffic law enforcement activities shall be conducted in the following manner:
  - a. Police vehicle shall be operated in accordance with existing laws and operators shall demonstrate exemplary driving behavior. Emergency situations shall be exceptions to this practice.
  - b. Any police vehicle with emergency equipment, i.e., lights, siren and radio communication, may be used for active traffic enforcement. As needed, to address a traffic problem within the city, the police department will use whatever available alternative resources necessary to solve the traffic situation for the safety of the community.
  - c. In areas where fixed posted observation is necessary to maximize effectiveness of selective enforcement efforts, police cars shall be parked in a safe location in a manner that does not impede traffic flow.
4. Covert observation is not authorized unless approved by a supervisor.

B. Pro-active Enforcement

*The Department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced and/or crimes will be prevented through proactive patrol. Officers will receive initial and on-going training in pro-active enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and inter-personal communications skills.*

*Pro-active traffic enforcement usually is based on factors such as traffic volume, reported accidents, frequency of violations and emergency/service needs.*

1. Selective enforcement shall be accomplished through the following:

a. Area Patrol

Assignment of personnel to an area where the frequency of accident-causing violations is high or the potential for accidents is high due to traffic volume or emergency/service needs.

b. Directed or Spot Patrol

Assignment of personnel to designated locations. Assigned personnel are concentrated at a single location. The method may be most effective where a fixed post can be observed by a greater number of motorists.

C. The designated traffic unit officers are responsible for the preparation of an annual report which evaluates the effectiveness of the enforcement methods. This report shall include an analysis of traffic accidents and traffic enforcement by geographical, temporal and causative factors.

X. SPECIAL CIRCUMSTANCES IN TRAFFIC ENFORCEMENT

A. Non-Resident Violators

Non-resident violators should be treated the same as a resident violator. They will be allowed to sign the penalty assessment or sign to appear in court, as appropriate. Discretion on the part of the officer should be used in issuing verbal warnings as opposed to written citations, just as with any violator.

B. Juveniles

1. As provided in the New Mexico Children's Code, the Municipal or Magistrate Court has original exclusive jurisdiction over all traffic code violations, with certain exceptions. However, if the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations listed in the Children's Code, it shall have jurisdiction over all traffic violations alleged to have been committed by the child arising out of the same occurrence.

2. It is recommended that if a citation is written to a child under the age of fifteen (15), the officer should have the parent or guardian co-sign the citation.

C. Legislators

Legislators will be treated the same as other violators with one exception:

Immunity shall be granted for travel to, from, and during current legislative sessions as is covered under the New Mexico State Constitution in Article IV, Section 13.

"Members of the Legislature, in all cases except treason, felony, and breach of the peace, may be privileged from arrest during their attendance at the sessions of their respective houses and on going to and returning from the same."

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D. Military Personnel

Military Personnel will be treated in the same manner as other violators with the following exception:

The New Mexico Motor Vehicle Code has exempted any person in military service of the United States or who has been honorably discharged within thirty days from licensure when:

1. they hold a driver's license of this state not more than six (6) years old which has expired while the holder was in service;
2. they are stationed outside the geographical limits of this state;
3. they are on leave from military service; and
4. only while operating a motor vehicle in this state.

E. Foreign Diplomats/Consular Officials

1. Moving Violations

When a Consular Official is stopped for a moving violation, the officer, upon being advised by the driver that they are a Consular Official and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation and either dismiss the motorist with a warning or proceed with the appropriate enforcement. Mere issuance of a traffic citation does not constitute arrest or detention.

2. Driving While Intoxicated

The primary consideration in this type of incident should be to ensure that the Consular Official is not a danger to himself or the public. Based upon a determination of the circumstances, the following alternatives are available:

- a. Contact a relative or friend to take custody of the official;
- b. Call a taxi for the official; or
- c. Take the official to a secure environment.

3. Family members

Family members of a Consular Official cannot claim immunity

4. Should it become necessary to contact the U.S. State Department, this request should be addressed through the chain of command. Contact information can be accessed through dispatch.

**XI. REQUESTS FOR RE-EXAMINATION OF DRIVERS**

- A. Officers may encounter persons who appear to be incompetent, physically or mentally disabled or suffering from disease or other conditions that prevent them from exercising reasonable and ordinary care over a motor vehicle.
- B. Officers discovering persons of this nature shall:
  - 1. Submit a letter to the Department of Motor Vehicles detailing the reason they believe this person is an unsafe driver and requesting the person be retested. The information should include, at the very least, the subject's name, birth date and social security number.
  - 2. Include with this letter copies of any citations or accident reports on file regarding the individual.
  - 3. Mail this information to:  
  
Driver Services Bureau  
Dept. of Motor Vehicles  
1100 S. St. Francis Drive  
Santa Fe, NM 87503
- C. If family members express concern about the driver, they should be advised that they also may send a letter to the above address and that the Department of Motor Vehicles supplies a "Medical Report" which can be completed by a physician.

**I. STATEMENT OF PURPOSE**

It is the intended purpose of the Department to insure compliance with regulations set forth by the New Mexico traffic code. The directives in this order are intended to provide guidance in achieving these objectives.

**II. GENERAL POLICY**

- A. As a general rule, the first responding officer should take charge of the scene until relieved of such duties.
- B. Officers responding to the scene of a reported crash have the following responsibilities:
  - 1. Determine the need, if any, for EMS response;
  - 2. Identify potential or actual fire hazards or dangerous conditions so that appropriate action can be taken;
  - 3. Determine the need for additional assistance;
  - 4. Protect the scene;
  - 5. Establish safe movement of traffic around the crash scene;
  - 6. Collect the necessary information to complete a thorough investigation and file a report.
- C. It is the intent of the Department to expedite the removal of debris and vehicles from the roadway. While, under normal circumstances, a diagram of the crash scene is standard procedure and the preferred response, exigent circumstances may require the involved vehicle be moved without completion of a diagram. If this occurs, such action should be documented in the narrative of the report. Exigent circumstances may include, but not be limited to:
  - 1. Severe weather, or
  - 2. When public safety outweighs the need for a diagram.
- D. If hazardous materials are discovered to play an important role, which could hamper the investigation, the policy covering hazardous material response will be followed. The crash investigation will become a secondary issue.

**III. CRASHES INVOLVING DAMAGE OR INJURY**

- A. Upon arriving at the scene of a crash if the investigating officer determines that the damage is over \$500 or injury has occurred a State of New Mexico Crash Report will be completed as prescribed in the Uniform Crash Report instruction manual provided by the New Mexico Department of Transportation. If the damage is apparently under \$500 and there is no reported injury, a minor crash form may be completed. The procedure for filling out the minor crash form is as follows:
  - 1. If the crash occurred on the roadway, the "Minor Crash Under \$500, No Injury" box is checked;
  - 2. The call number assigned by dispatch will be written in the call number box for tracking by the City of Hobbs Engineering Office;

3. The form will be completed in its entirety;
  4. The form consists of three copies. The first copy will be turned into records and it will be forwarded to the City of Hobbs Engineering Office. Records will not maintain a copy of the form. The remaining two copies will be given to the drivers involved.
- B. If both vehicles are still in their final resting positions upon officer(s) arrival, a diagram of the vehicle will be completed unless the damage is under \$500 and a minor form is completed.
1. Included in this diagram will be:
    - a. the final resting positions of the vehicle(s) involved;
    - b. any fixed objects involved in the crash;
    - c. final resting positions of any pedestrians or bicyclists involved;
    - d. any other vehicles or fixed objects that might have contributed to the crash;
    - e. any physical evidence left on the roadway (skid marks, gouges, scratches, yaws, debris, etc.); and
    - f. anything that might assist in a thorough and complete investigation of the crash.
- C. It will be the responsibility of the investigating officer to attempt to determine the cause of the crash through investigation and witness statements. Enforcement action to motorists determined to have violated New Mexico State Law or a City of Hobbs Ordinance is at the discretion of the investigating officer. Enforcement action may be in the form of a Uniform Traffic Citation, Written Warning, or Verbal Warning. The District Attorney or City Attorney does not need to approve the citations unless there are circumstances that would warrant their approval (i.e., fatalities, etc.)

#### **IV. CRASHES INVOLVING UNINSURED MOTORISTS**

- A. If, during your investigation, you determine that an involved vehicle does not have proof of liability insurance and the vehicle is registered in New Mexico, the following procedure should be followed:
1. A citation will be issued to the driver for "Insurance Required."
  2. The license plate will be removed from the vehicle. The plate will subsequently be turned in to the Evidence Clerks for return to the Department of Motor Vehicles.
  3. A New Mexico Temporary Operation Permit will be placed in the left side of the rear window. The right-hand portion of the permit will be attached to the license plate which is being returned to the Department of Motor Vehicles.
  4. The driver will be advised that the temporary permit is not an authorization to drive the vehicle without insurance. It is simply an authorization to drive while in the process of informing DMV that they either had or have secured insurance. In addition, they will be given a letter detailing information concerning their rights and responsibilities pertaining to the issuance of a citation, removal of the license plate and procedure to reclaim it.

- B. If during the investigation you determine that an involved vehicle does not have proof of liability insurance, but the vehicle is registered in another state, enforcement action will be taken, however the license plate will not be removed.
- C. The enforcement action and subsequent removal of the license plate will be noted in the narrative of the report.

**V. PRIVATE PROPERTY CRASHES**

- A. An investigation and report will be made on crashes occurring on private property in the following cases only; otherwise a Private Property Form will be utilized.
  - 1. If there is injury as a result of the crash;
  - 2. If the motor vehicle collides with and damages a building; or
  - 3. When enforcement action is taken due to the fact a person was driving under the influence of intoxicants or reckless driving.

- B. If both parties are present at the crash scene, the words "Private Property" will be checked and the form will be completed as indicated previously.

Each party involved is given a copy of the report. The parties involved will be advised that the Police Department does not investigate crashes that occur on private property and do not maintain a copy of the report.

- C. Hit and run crashes on private property will be handled in the following manner.
  - 1. The words "Private Property" will be circled and all known information will be listed on the form.
  - 2. The driver present will be given both copies of the report. They will be made aware of the fact that we do not investigate crashes that occur on private property and we do not maintain a copy of the report. The victim shall be advised that civil recovery is his option if he wishes to pursue.

- D. Nothing in this section applies to the investigation of motor vehicle crashes which originate on public roadways and come to final position within the bounds of private property. Crashes of this nature will be handled as any on the road type crashes.

**VI. FATAL CRASH INVESTIGATION**

- A. The Traffic Unit will be utilized to investigate all fatal crashes. Once an officer arrives at the scene and it is determined that the crash is a fatal, the on duty supervisor will have the traffic units called out and a Detective notified. If the traffic unit is unavailable, the on duty supervisor will assign officers to work the crash.
  - 1. Once the decision has been made to contact the traffic unit the scene will be secured until their arrival.

2. Upon arrival, the crash will be a joint investigation of the traffic unit and Criminal Investigations. The traffic unit and Detective will be responsible for the crash scene at this point and no one will be allowed into the scene unless requested/authorized.
  3. Once the traffic unit has arrived all information that has been obtained prior to their arrival will be relayed to them.
    - a. If an officer has witness information, this information will be given to the traffic units.
    - b. If possible, all witnesses will be held at the scene until they can be interviewed by the investigating officer(s).
    - c. If the witness has been allowed to leave, the officer receiving the information and statement from the witness will complete a supplement with the witness' statement.
  4. The on duty supervisor or his appointee will ensure that there are enough units present at the scene to provide adequate crowd and traffic control. The scene will remain secure until released by the investigating officers.
  5. The Criminal Investigation Supervisor or his appointee will ensure that only necessary personnel are allowed into the scene.
  6. The on duty supervisor or his appointee will ensure that the proper staff notifications have been made and the ADA has been contacted.
  7. The OMI will be contacted after the traffic unit has completed the on-scene investigation.
  8. The traffic unit will be responsible for ensuring that the proper paper work has been completed.
- B. The on duty supervisor has the authority to call out the traffic unit on any crash (with or without injury) if they feel the expertise of this unit is required to adequately complete the investigation.

#### **VII. CRASHES INVOLVING SCHOOL BUSES**

- A. Once an officer arrives at the scene of a school bus crash and it has been determined that the crash resulted in a fatality or life threatening injury, the on duty supervisor must notify an officer, certified as a crash re-constructionist, to investigate the crash.

#### **VIII. CRASHES INVOLVING CITY VEHICLES**

Crashes involving any city-owned vehicle will require a State of New Mexico Uniform Crash Report to be completed regardless if it is on private property or on the roadway.

- A. If either the city employee or the other party involved in the crash is issued a citation, they will be cited into Municipal Court for the next court date.

- B. The city employee will be responsible for completing the Damage to City Property Report on their department vehicle.
- C. The on duty PSD supervisor will be immediately advised of the crash, as well as the supervisor of the city employee involved and City Risk Manager will be contacted and advised of the crash.

**IX. CRASHES ON CITY PROPERTY**

- A. A State of New Mexico Uniform Crash Report or Minor Crash Report will be completed on all crashes that occur on City property. The investigating officer will complete whichever is applicable to the situation.
- B. Before enforcement action is taken, the investigating officer will ensure that the statute/ordinance covers city-owned property--remembering that some violations can only occur on a street, highway or alley.

**X. FOLLOW UP INVESTIGATIONS**

- A. If a follow-up investigation is required for a reported crash or Hit & Run, it is the responsibility of the original investigating officer. If information is obtained by a secondary officer, that officer will complete a supplement and ensure that a copy is forwarded to the original investigating officer. Any supplemental information should be documented as soon as the information becomes known.
- B. The exception to this policy is for hit-and-run reports. These reports are forwarded to the traffic unit for investigation and completion. Any follow-up investigation completed as a result of a hit-and-run crash shall be documented within five (5) working days. If no further information is developed during that time period, a supplemental report will be filed providing that information.

**XI. TRAFFIC ENGINEERING**

The Department realizes the City of Hobbs Traffic Engineering Department can play an important role toward reducing crash frequencies. In a desire to provide them with as much information as possible the following steps may be taken:

- A. Copies of all crash reports including State of New Mexico Uniform Crash Reports and Minor Crash Reports are sent to the Traffic Engineering Department by the Administrative Secretary.
- B. Complaints or suggestions from citizens and officers regarding traffic engineering defects shall be referred to the Traffic Department.

**XII. DISTURBANCES BETWEEN INVOLVED PARTIES**

Occasionally responding officers may find parties in a crash involved in a disturbance. The resolution of this dispute should take precedence over the crash investigation. If necessary, additional officers should be requested in order to complete the investigation and resolve the disturbance as quickly as possible.

**I. STATEMENT OF PURPOSE**

In furtherance of public safety, it may be necessary for an officer to manually regulate the flow of traffic around accident scenes, fire scenes, other hazards on or near the roadway, or during special events. The purpose of manual traffic control is to insure an orderly flow of traffic, prevent congestion, and insure the safety of motorists and pedestrians.

**II. TRAFFIC DIRECTION PROCEDURES**

**A. General Provisions**

1. Officers actively involved in manual traffic direction shall wear issued reflective vest.
2. Officers shall indicate traffic signals with whistles, if available, along with hand gestures using the following method: A long continuous blast is used to stop approaching traffic. Two short blasts in rapid succession are used to precipitate the beginning of movement, the continuation of movement, or to indicate a turning movement.

**B. Special Events**

1. As Watch Commanders become aware of special events such as parades, sporting events, etc., a contingency plan is prepared for traffic direction.
2. Contingency plans address the following factors:
  - a. Entry and exit of vehicular traffic;
  - b. Parking facilities;
  - c. Spectator control;
  - d. Use of temporary traffic control devices.

**C. Fire Scenes**

In the event of a fire or other emergency, police personnel direct traffic as conditions may require, in order to:

1. expedite or direct traffic flow;
2. safeguard pedestrians and motorists;
3. safeguard emergency personnel, emergency operations and equipment.

**D. Adverse Roads and Weather Conditions**

1. During periods of adverse weather and road conditions, officers provide traffic direction or assistance on an emergency basis, as needed.
2. If assistance is required from other City departments or agencies, on-call personnel for these departments are notified as soon as possible. A call list for these departments is maintained in the Communications Center allowing for 24 hours access. Officers maintain manual traffic direction until the roadway is safe for travel.



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**SECTION 5 – TRAFFIC DIRECTION AND CONTROL**  
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**III. TEMPORARY TRAFFIC CONTROL DEVICES / MANUAL OPERATION**

- A. Temporary traffic control devices such as portable stop signs, barricades, or traffic cones may be used at locations where traffic control is required. Responsibility for requesting these devices rests with the person in charge of the scene.
- B. The Department has authority to place and maintain temporary traffic control devices when necessary for regulating, warning, or guiding traffic on any public roadway.
- C. If the need for manual operation of traffic control devices arises, such as flashing traffic lights, the street department will be notified.

**IV. EMERGENCY ESCORTS**

- A. Officers of this Department will not escort any vehicles, including ambulances, on an emergency Code 3.
- B. Officers will not block intersections for any vehicles, including ambulances, traveling Code 3.
- C. Officers will not transport any victims of sickness or injury in a police unit unless authorized by the shift supervisor in consideration of existing conditions, gravity of the situation, and nature of the emergency. Ambulance service will be called for persons in need of medical treatment.

**V. FUNERAL ESCORTS**

The Hobbs Police Department offers this service to the citizens of Hobbs free of charge. Due to the nature of funeral escorts, however, caution must be used to decrease the potential for accidents or mistakes.

- A. Upon arrival at the funeral, contact the director or agent to confirm which cemetery is being used.
- B. Upon contact with the agent remind them if they approach an unprotected controlled intersection, to stop and wait for the police escort.
- C. When the casket is moved from the building to the hearse, officers will stand at 'parade rest'.
- D. Two methods of escorts are approved. Prior to leaving the funeral home/church, officers should decide which one will be utilized.
  - 1. Relief: A unit holds an intersection until the following unit catches up and relieves him. The first unit then moves on to the next intersection.
  - 2. Leap-frog: A unit holds an intersection and remains there while secondary units come by them going to the next intersection. This requires that the unit allow room for the secondary units to pass.
- E. No officer of the Hobbs Police Department shall exceed the posted speed limit while escorting a funeral.
- F. No officer shall drive in any manner so as to endanger the public while on escort duty.

- G. No officer shall leave any intersection which is controlled by a stop sign or traffic signal unprotected.
- H. If Prairie Haven or Everglades is the cemetery of choice, upon approach to the intersection with Dal Paso, make a U-turn. Park your unit in the northbound traffic lanes on the north side of the intersection with your emergency lights on.

If Memory Gardens or Boone Cemetery is your destination, make a U-turn and park across the southbound traffic lanes just north of the entrance, again with your emergency lights on.

While blocking traffic as the procession passes at either location, exit your vehicle and stand at 'parade rest' with your helmet over your heart.

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**I. STATEMENT OF PURPOSE**

This order has been established to provide guidelines for providing general assistance to all persons utilizing highways and public thoroughfares. This includes giving information and direction, assisting motorists with stranded vehicles, taking action on highway hazards and dealing with hazardous materials. The intent of this order is to assist in providing for the safe and efficient flow of traffic and to ensure the public safety.

**II. MOTORIST ASSISTANCE**

- A. The Hobbs Police Department does not respond to calls for motorist assists if the complaint is that keys are locked in vehicles or they can't start them. The only exception to this is if exigent circumstances exist (ie, small child locked inside). Motorists will be advised they should seek assistance through other means (i.e., private company, family, etc.).
- B. The Hobbs Police Department will contact a towing service for a stranded motorist. The motorists need to be told that this service will be paid for by them, the City does not pay the cost. The officer needs to request this assistance, along with the name of the requestor, on Channel 3 and Communications will contact and dispatch a tow truck to the scene. The towing service utilized should be at the choice of the requestor. However, they may be informed of the next company on the rotation list. If the vehicle is a traffic hazard, the officer should stand by until arrival of the towing service.

**III. HIGHWAY HAZARDS**

At any time when one of the below hazards exists, the officer shall request Communications personnel to notify the proper agency. The Patrol Officer needs to advise Communications personnel whether this hazard needs to be taken care of immediately or can wait until the beginning of the next business day.

- A. Traffic light in need of repair (this includes light out or not working properly);
- B. Traffic control device down (ie, stop sign, yield sign, school crossing, etc.);
- C. Electrical power lines down;
- D. Large debris in roadway (if after hours, try to remove to side of road if possible);
- E. Breaks in water, gas or other utility mains;
- F. Snow/Ice on roadway (to determine the need for some type of service);
- G. Fire hazards needing attention;
- H. Defects in the roadway;
- I. Streets light(s) out;
- J. Dead animals/injured animals.

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**IV. EMERGENCY ASSISTANCE**

- A. First Aid
  - I. It shall be the duty of every commissioned officer to be certified and acquainted thoroughly with the subject of first aid. In emergency medical situations, department personnel shall normally render only that degree of care necessary to sustain life, prevent or control shock, and/or prevent further harm based on each officer's level of training and abilities.

**B. Fires**

1. The primary responsibility of the Hobbs Police Department in responding to a fire call is the protection of life, traffic control and crowd control. In responding to a fire call, officers should be cognizant of where the fire is in relation to intersections, potential use of fire hydrants and fires lines in the roadway and should park accordingly.
2. Members of the Hobbs Police Department have not been trained in fire fighting and do not carry the necessary equipment, aside from a small chemical extinguisher. Before attempting to fight a fire, officers should consider the safety hazards and potential for injury.

Evaluation/Procedure:

The following procedure has been set forth for the joint cooperation between the Hobbs Police Department and Hobbs Fire Department in investigating fires.

1. It is the responsibility of the Fire Marshall's office to conduct arson investigations. If the inspector determines that the possibility of arson exists, he will contact the Fire Department arson investigator who is on call.
2. When the investigator makes a determination of arson, he will file a criminal incident report with the Hobbs Police Department. A case number will be issued by personnel in the Communications section.

Police Department - Detective Responsibilities

1. A detective will be assigned to each arson case as a liaison and to provide assistance to the Fire Department. The detective should be notified at the start of an investigation by the Fire Department arson investigator.
2. The assigned detective will review arson cases and will be responsible for the preparation of affidavits and complaints if and when charges are to be filed. The scope and content of such charges will be a cooperative effort between the arson investigator and the detective assigned. If the arson investigator feels that he is prepared to file a complaint, the case will be reviewed by the investigator and then sent to the District Attorney for prosecutorial review.
3. The assigned detective will submit supplements to the case file on any involvement that he has with the case. A copy will also be placed in the Fire Department folder located in the police records section.

**V. HAZARDOUS MATERIALS**

Hazardous Materials are defined as those substances which in quantity or form constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.

The primary responsibility of the Hobbs Police Department at the scene of a Hazardous Material spill is containment, evacuation and/or crowd control.

Duties of Dispatched Officer:

- A. From a safe distance, assess the situation, then request Communications personnel contact the Hobbs Fire Department. They, in turn, will contact any other appropriate personnel.
- B. Notify the on-duty supervisor of the situation.
- C. Establish a safe perimeter around the scene using additional units as necessary.

Duties of Operations Commander:

- A. Confer with the appropriate Fire Department personnel regarding evacuation of the area and establishment of a safe perimeter.
- B. Notify the Watch Commander.
- C. Ensure that involvement of police personnel within a contaminated area is minimized.

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**I. STATEMENT OF PURPOSE**

The Department encourages officers to enforce Driving While Under the Influence of Intoxicating Liquor or Drug statutes in order to remove persons suspected of driving under the influence of alcohol, or other substances, from public places. The procedures are intended to serve as guidelines in D.W.I. Enforcement.

**II. ARREST**

Officers suspecting that the driver of a motor vehicle is under the influence of alcohol or other substance may take the following actions:

**A. Routine Traffic**

1. Observe the suspect's driving behavior from a safe distance to determine probable cause to stop the vehicle.
2. Stop the vehicle at a safe location for the protection of the suspect, officer, and any vehicular traffic.
3. Observe the suspect to determine if he might be under the influence. Once this is determined, request that the suspect take sobriety tests, which are described in the next section.
4. When it is determined that the person may be intoxicated, the suspect should be placed under arrest. It is also advisable to give the suspect his Miranda Warning at this time.
5. When the operator of the vehicle is arrested and there is no one immediately available, whom they want to take charge of the vehicle, it will be towed.
6. Advise the suspect of the Implied Consent Act, and request him to give a sample of his breath, blood, or both. If the suspect refuses, inform him of the consequences of refusing. If a substance other than alcohol is suspected, a blood test should be requested.
7. Transport the suspect to the Hobbs City Jail for booking and a breath test. If the person has indicated that he will submit to a breath test and the arresting officer is not certified to perform the breath test, a certified operator will be requested to perform the test.
8. If a blood test is requested, the person will be transported to Lea Regional Hospital and a blood kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be conducted in accordance with New Mexico statutes.

**B. Accident Investigations**

If there is probable cause that a driver involved in an accident is intoxicated, the same procedures apply as above with the following exceptions:

1. If injuries sustained in the accident are fatal, life-threatening or may result in great bodily harm, the ADA on call will be contacted via telephone prior to any charges being filed.

2. If the driver sustained injuries which require hospitalization, the subject will be placed under arrest, if possible, a blood kit will be requested, any associated paperwork completed and arrangements made to release the subject OR.
3. If the driver left the scene of an accident and is later located, no arrest should be made without giving consideration to the time lapse, witnesses and the suspect's location.

### III. SOBRIETY TESTS

It is advisable, when appropriate, for an officer to request three Field Sobriety Tests of their choice in addition to the Horizontal Gaze Nystagmus. It is also advisable for an officer to routinely use the same Field Sobriety Tests. The following 'divided attention tests' have been proven accurate and effective in DWI detection. They will allow the officer to determine whether a person is under the influence.

- A. One Leg Stand: The One Leg Stand test is a divided attention test consisting of two stages: the instruction stage, and the balancing and counting stage.

In the instruction stage, the subject should stand with feet together, keep arms at sides, and listen to instructions.

In the balancing and counting stage, the subject should stand on one foot and hold the other foot straight approximately six inches off the ground, toes pointed forward and parallel to the ground while staring at the upraised foot and counting aloud from "one thousand and one" to "one thousand and thirty."

Officers carefully observe the suspect's performance and look for four specific clues: sways while balancing, uses arms to balance, hops, or puts foot down.

- B. Walk and Turn: The Walk and Turn test is a divided attention test consisting of two stages: the instruction stage, and the walking stage.

In the instruction stage, the subject should stand on a line with feet in heel-to-toe position, keep arms at sides, and listen to instructions.

In the walking stage, the subject should take nine heel-to-toe steps down the line, turn in a prescribed way, and take nine heel-to-toe steps up the line, while counting the steps out loud.

During the turn, the subject should keep one foot on the line, pivot on that foot, and use the other to take several small steps to complete the turn.

Officers administering the Walk and Turn test observe the subject's performance for eight clues: can't balance during instructions, starts too soon, stops while walking, doesn't touch heel-to-toe, steps off line, uses arms to balance, loses balance on turn or turns incorrectly, or takes the wrong number of steps.

- C. Alphabet Test: The Alphabet Test requires the subject to recite a part of the alphabet. The officer instructs the subject to recite the alphabet beginning with a letter other than "A" and stopping at a letter other than "Z." This divides the subject's attention because he must concentrate to begin at an unusual starting point and recall where to stop.

- D. Count Down Test: The Count Down Test requires the subject to count out loud 15 or more numbers in reverse sequence. The test should never be given using starting and stopping points that end in "0" or "5" because these numbers are too easy to recall. This divides attention because the subject must continuously concentrate to count backwards while trying to recall where to stop.
- E. Finger Count Test: In the Finger Count Test, the subject is asked to touch the tip of the right thumb to the tip of each finger on the right hand while simultaneously counting up "one, two, three, four;" then to reverse direction on the fingers while simultaneously counting down "four, three, two, one."

In each of the above tests, note whether, and how well, the subject is able to perform the divided attention task.

- F. Horizontal Gaze Nystagmus Test (HGN): Horizontal gaze nystagmus refers to an involuntary jerking that occurs as the eyes gaze toward the side. Under the influence of alcohol or certain other drugs, this jerking becomes much more distinct and readily noticeable. As a person's blood alcohol increases, the eyes will begin to jerk sooner as they move to the side. Prior to administration of HGN, the eyes are checked for equal tracking ability and equal pupil size. If the eyes do not track together, or if the pupils are noticeably unequal in size, the chance of medical disorders or injuries causing the nystagmus is present. When the HGN test is administered, each eye is checked separately. Each eye is examined for three specific clues:

As the eye moves from side to side, does it move smoothly or does it jerk noticeably? (As people become under the influence of alcohol, their eyes exhibit a lack of smooth pursuit as they move from side to side.)

When the eye moves as far to the side as possible and is kept at that position for several seconds, does it jerk distinctly? (Distinct nystagmus at maximum deviation of the eye is another clue of alcohol influence.)

As the eye moves toward the side, does it start to jerk before it has moved through a 45-degree angle? (On-set of nystagmus prior to 45-degrees is another clue of alcohol influence.)

As a person's blood alcohol concentration increases, the more likely it is that these clues will appear. The maximum number of clues that may appear in one eye is three. The maximum total number for any suspect is six.

#### **IV. REQUIRED PAPERWORK FOR DWI ARRESTS**

- A. Arrest Report: An arrest report will be completed on each DWI arrest. The narrative section of the report should provide in detail the series of events that lead to the subject's arrest for DWI.
- B. DWI Citation: A DWI Citation and Officer's Statement, on a form approved by the State, will be completed on each DWI arrest. Officers will ensure that the numbers for both of these are the same and enter the necessary information on the DWI Citation log book.
- C. Criminal Complaint: A Criminal Complaint, Municipal or Magistrate, depending on the appropriate jurisdiction, will be completed on each DWI arrest.

If this is a second or subsequent arrest, note in the narrative the date of previous DWI arrest(s), plea(s), the fine(s) and sentence(s).



- D. Intoximeter Report: A copy is given to the suspect, a copy is attached to the MVD paperwork and a copy is attached to the arrest report.
- E. Blood Kit Report: A Blood Kit Report, on a form approved by the State, will be completed on any DWI arrest where a sample of blood is drawn in addition to, or instead of, a breath sample.
- F. On DWI arrests, the name(s), DOB('s) and address(es) of any witness(es) shall be listed on the criminal complaint.
- G. If the subject has a valid, current New Mexico Driver's License in their possession, and the BAC was over .08, the driver's license will be confiscated.
- H. When the paperwork is complete, remove the MVD copy of the citation and Notice of Revocation, and place it in an unsealed grey MVD envelope along with the confiscated New Mexico Driver's License and a copy of the intoximeter report (if available). This is attached with the rest of the paperwork and turned in for supervisory approval.

**V. BREATH TESTING INSTRUMENT OPERATION**

- A. Only officers that are certified to operate the breath testing instrument will perform any tests on subjects arrested for DWI.
- B. The subjects will be informed of the Implied Consent Act and will be placed under observation with no substances in their mouth for a period of time of at least 20 minutes.
- C. After the observation time has expired, the subject will be requested to provide a sample of his breath, blood, or both. If the subject refuses, he will be advised of the consequences for refusing to submit to chemical testing of his breath, blood or both.
- D. If the subject agrees to provide a breath sample, the certified operator of the breath testing instrument will conduct the test in accordance with the rules and regulations established by the New Mexico Department of Health.
- E. After testing is completed, the subject will be provided with a copy of his results as soon as they are available to the officer.
- F. Officers will ensure that the required information is recorded in the Intoximeter Log Book.
- G. Officers that are certified as Operators of the breath testing instrument shall complete two breath tests per month to insure familiarity with the instrument.

**VI. BLOOD TESTING**

- A. The breath test is the most efficient and preferred manner of testing a subject's B.A.C., however, there are times when a blood test is preferred.
- B. If a subject's B.A.C. is low, and in the officer's opinion is not consistent with his apparent level of intoxication, the officer may choose to complete a blood test also to test for drugs.

- C. If the subject sustained injuries as a result of the accident and in all likelihood will not be able to perform a breath test, a blood test will be requested.
- D. If a blood test is requested, the person will be transported to Lea Regional Hospital and a blood kit approved by the New Mexico Department of Health shall be used. The process of withdrawing blood will be conducted in accordance with New Mexico statutes.
- E. When a blood test is used, the Notice of Revocation will not be forwarded to MVD but will be maintained in the approved location until the results are returned from the blood test.

Once they have been received, the arresting officer should place a copy of the Notice of Revocation and the original test results in the Record's basket to be filed in the subject's arrest file. The original Notice of Revocation and a certified/notarized copy of the test results should be placed in an unsealed grey MVD envelope, left for supervisory approval and processing by a Records Technician.

- F. Once the subject has submitted to a test(s) of our choosing, they may request a test of their own for independent testing. If a blood test is requested, the following procedures will be used:
  - 1. The subject will either be transported to Lea Regional Hospital Emergency room for the blood withdrawal using the standard procedure or the subject will be allowed to contact his personal physician by phone to make arrangements to meet at Lea Regional to draw the blood.
  - 2. A standard blood kit approved by the state will be used regardless of whom draws the blood.
  - 3. Once the blood is collected, the arresting officer will complete an evidence tag and a letter to the independent laboratory (kept in the same location as blood kits), attach them to the blood sample and place in an evidence locker. A note will be left for the evidence clerk so the blood sample can immediately be refrigerated.
  - 4. The arresting officer will complete and give the subject a receipt for the blood. The original receipt is attached to the arrest report. This receipt advises the subject of their responsibility to advise the Department which independent laboratory they wish the sample to be sent to.
  - 5. The blood sample will be maintained in evidence at the Department for a minimum of 90 days. At the conclusion of that 90 day period, the arresting officer will obtain a disposition on the case.
    - a. If there has been a conviction and sentence has been imposed, the blood sample will be maintained for another 30 days following the sentencing date. Following this 30 day period, if an appeal has not been filed the blood sample will be destroyed. If an appeal has been filed, the sample will be maintained until a final disposition is determined.
    - b. If no disposition is available after the 90 day period, the sample will be maintained until a final disposition is determined.

## **VII. SOBRIETY CHECKPOINTS**

Sobriety checkpoints are an established means of deterrence and have withstood constitutional scrutiny when properly implemented. The effectiveness of a checkpoint should be measured by the reduction of alcohol related accidents and not simply by the number of persons arrested as a result of a checkpoint. Sobriety checkpoints are the only authorized use of roadblock.

### **A. Site Selection and Safety Concerns**

1. In order to conduct a Sobriety Checkpoint, the approval of the Captain of Operations, or his designee, must be obtained prior to each occasion.
2. Selection of sobriety checkpoint sites must consider the safety of the public and all law enforcement personnel involved in the operation. Locations selected must have maximum visibility to traffic from both directions with adequate safety lighting. In addition, sufficient adjoining space must be available to pull the suspect's vehicle off the roadway for further inquiry and testing if reasonable suspicion of DWI (or other crime) is developed.
3. Site selection is based upon selective enforcement criteria, considering the time of day, day of week, location, number of fatal and other alcohol-related accidents, and DWI arrests. The date which will determine the site selection is available from:

New Mexico Highway & Transportation Department  
Transportation Planning Division  
Traffic Safety Bureau

Alternate sites may be selected in the event that primary sites are unavailable.

4. To ensure maximum safety for the public and enforcement personnel, a sufficient number of warning signs, portable lights, traffic cones, flares, and police vehicles with flashing warning lights should be utilized. A combination of these items are to be strategically placed as to alert motorists who are approaching the checkpoint. The checkpoint supervisor will determine which warning devices will be utilized based on location and time of day. Additionally, law enforcement personnel are to be equipped with flashlights at night and dress in a manner which will readily identify them as law enforcement personnel. The area designated for further investigation of suspects must be well lit and of relatively level ground to conduct field sobriety tests.

### **B. Notice to Public/Media**

The publicity that precedes this operation serves to educate and inform the public of our enforcement efforts. The media attention is aimed at deterring the potential DWI offender. Advance notice to the public must be made. The inclusive dates of the intended checkpoints is to be announced without disclosing the precise location. The specific media utilized should depend on local availability.

### **C. Personnel and Equipment**

1. An appropriate number of law enforcement personnel must be assigned to the checkpoint to control traffic, address motorists, conduct sobriety tests and transport individuals. Consideration should be given to anticipate the volume of traffic at the proposed checkpoint

location and the number of officers to be utilized should be chosen accordingly. Minimally, one supervisor must be present at the checkpoint at all times to make supervisory decisions and keep a 'checkpoint activity record'.

2. The officer who first detects the suspected DWI offender should complete all aspects of the field testing and arrest. Transporting of the individual, booking, and further processing may be completed by other uniformed officers as necessary and at the discretion of the checkpoint supervisor.
3. Assistance from other law enforcement agencies may be solicited with the approval of the Captain of Operations; however, all participating officers shall be thoroughly briefed on these procedures as well as the specifics of the operation. Non-uniformed officers, off-duty officers, K-9's and any law enforcement personnel not involved in the checkpoint operation are discouraged from attending.
4. All necessary equipment should be readily available at the checkpoint site. All law enforcement personnel assigned to a checkpoint will be in full uniform. Officers will wear a reflective vest while on or near the roadway.

**D. Operational Procedure**

1. Every vehicle is to be stopped, except as provided in this section.
2. The occupants are to be told the purpose of the stop. The driver, primarily, is to be questioned, since driving while under the influence of intoxicating alcohol or drugs is the purpose for this checkpoint.
3. The vehicles entering the Checkpoint will be detained for a REASONABLE amount of time to determine if suspicion exists that the driver is DWI, or that another crime or violation has been committed by any occupant of the vehicle.
4. Sufficient adjoining space must be available to pull vehicles off the roadway for further inquiry when reasonable suspicion of DWI is developed.
5. If traffic begins to back up creating traffic congestion, all stopped vehicles are to be waved through.
6. If a driver refuses to be detained, he is to be allowed to continue unless an officer develops, by observation, a reasonable suspicion that the driver is DWI or that another crime or violation has been committed by any occupant of the vehicle. This also includes drivers who simply execute a legal turn or U-turn prior to entering the checkpoint area.
7. The duration of a checkpoint should not extend past five hours.
8. Upon completion of a checkpoint operation, or soon thereafter, the checkpoint supervisor shall complete a "Sobriety Checkpoint Activity Report" and shall forward that report to the Captain of Operations.

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**VIII. ADMINISTRATIVE NOTIFICATIONS AND HEARINGS**

**A. Hearing Request**

1. Under Section 66-8-112, NMSA, an individual who is arrested for DWI has ten days from the date of notice to request, in writing, a hearing to contest their revocation notification.
2. Once a hearing is set, the State of New Mexico Taxation and Revenue Department will issue an administrative subpoena which is mailed to the officer(s) and addressed to the officer(s) and the Chief of Police. Notifications are also mailed, in the same manner, with results of a previous administrative hearing and/or a notice of a rescinded notice of revocation.
3. When the envelope is received, it will be forwarded to the warrant officer for opening, on authority of the Chief of Police, and the following procedure followed:
  - a. If a subpoena is received, the warrant officer will make a copy of the subpoena and serve the officer with the copy. The original will be placed in the defendant's arrest file.
  - b. If the notification contains the results of a previous hearing, a copy will be made of the original and the copy served to the officer. The original will be placed in the defendant's arrest file.
  - c. If the notification contains a rescinded notice, the warrant officer will make two copies of the notice. The original will be placed in the defendant's arrest file. One copy will go the officer and the second copy will go to the officer's Lieutenant for follow up as to the reason for the rescinded notice.

**I. STATEMENT OF PURPOSE**

State law provides for law enforcement officers to take intoxicated persons into protective custody if they are so substantially impaired that they have become disorderly or have become unable to care for their own safety. The Hobbs Police Department realizes that intoxication in and of itself is not a crime and will treat intoxicated persons accordingly.

**II. GUIDELINES**

*As used in the Detoxification Reform Act (Chapter 43, Article 2 NMSA 1978) and for the purposes of this section "Intoxicated Person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.*

- A. An officer will make every effort to secure care for the intoxicated person prior to placing them into protective custody.
- B. An officer may transport an intoxicated person to a residence when it appears to the officer that he or she will become orderly and able to care for his or her own safety.
- C. An officer may transport an intoxicated person to a healthcare facility within the city, when it appears they are unable to care for their own safety or are in need of medical attention. The on-duty Detention Officer may refuse to accept an intoxicated person into the detention facility if it appears he is in need of medical attention and may require the officer transport the intoxicated person to a healthcare facility first.
- D. An officer may transport to the Hobbs Detention Facility an intoxicated person taken into protective custody under the following circumstances:
  - 1. is disorderly in a public place;
  - 2. is unable to care for his safety;
  - 3. has threatened, attempted or inflicted physical harm on himself or another;
  - 4. has threatened, attempted or inflicted damage to the property of another;
  - 5. is likely to inflict serious physical harm on himself;
  - 6. is likely to inflict serious physical harm on another; or
  - 7. is incapacitated by alcohol or drugs (medical treatment should be sought in these situations).
- E. *Officers are required to ensure the existence of probable cause (not some lesser standard) as to the presence of elements required by state law as the basis for detaining a person for being intoxicated.*
- F. If an intoxicated person is transported to the Hobbs Detention Facility, the transporting officer will make reasonable attempts to contact a responsible member of the intoxicated person's family as soon as practicable.
- G. If an intoxicated person is transported to the Hobbs Detention Facility, a "Combined Detention Report" will be completed and submitted for approval detailing the events which led to the detention.
- H. *An intoxicated persons alcohol concentration should be checked as soon as practical upon intake at the Hobbs Detention Facility. If the person refuses, resists, is violent or aggressive or is incapable of performing a breath test, the test may be postponed until practical.*

- I. *Approximately every two (2) hours a Detention Officer will evaluate the person's state of intoxication and administer a breath test, unless the conditions as noted above are still observed.*
- J. Under no circumstances will a person be held in protective custody for more than 72 hours.
- K. An intoxicated person held in protective custody shall be held until the alcohol concentration in the person's blood or breath is zero. It is the responsibility of the on-duty detention officer to check the alcohol concentration in the blood of a detained person to determine the person's readiness for release.

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws

**CHAPTER 6**

**SECTION 9 – CRISIS INTERVENTION/EMERGENCY PROTECTIVE CUSTODY**

**PAGE 1**

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the Hobbs Police Department's responsibility for compliance with such laws.

(Rev. Date: 09-14-2016)

**I. STATEMENT OF PURPOSE**

Officers encountering persons whose behavior suggests they may be emotionally disturbed to the point that they pose an immediate and substantial risk of harm to themselves or others may take these persons into custody. Authority for this protective custody is granted to officers under the New Mexico Mental Health Code. Custodies of this nature are protective and confidential and are not criminal. This order provides guidelines for handling these situations. This policy is established to give direction and guidance for situations when officers of this department encounter someone who is or appears to be in mental crisis. This policy cannot cover every situation an officer may encounter and is to be used as a general guide in aiding officers and supervisors in making the best decisions possible in the best interest of all parties involved.

**II. DEFINITIONS**

- A. Crisis Intervention Team (CIT): A partnership between local law enforcement, mental health professional and community services providers that seek to provide safety, services, and jail diversion to mental health consumers and their families.
- B. CIT Officer: Any law enforcement officer who completes the prescribed block of instruction certified through the State of New Mexico for crisis intervention. The officer must show a high level of proficiency in all areas of instruction to be a certified CIT officer.
- C. Consumer: Any person who could be diagnosed with any mental illness or disability affecting their well-being.
- D. Crisis Incident: Any event where a consumer or their family is in need of mental health, law enforcement, or community assistance. In a crisis an individual's level of stress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions and their ability to cope. A crisis can be precipitated by a number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that cause the person to engage in erratic disruptive or dangerous behavior that may be accompanied by impaired judgment.

**IV. RESPONSE – CRISIS INTERVENTION**

- A. The department has sworn personnel who are specially trained and certified in crisis intervention. LCCA Tele-communicators are a good resource to ensure CIT officers are dispatched appropriately, but it is primarily the responsibility of the trained officers and their supervisors to assess and respond to mental health related calls for service.

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Once a call for service is received by this department which reasonably involves a citizen in crisis, the following policies will be followed:



**CHAPTER 6**

**SECTION 9 – CRISIS INTERVENTION /EMERGENCY PROTECTIVE CUSTODY**

(Rev.Date: 09-14-2016)

**PAGE 2**

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1. Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health/crisis may be a factor.
2. Request a CIT Officer if one is not present or already in route to the call. If possible wait for a backing officer prior to making contact with the individual in crisis.
3. The CIT Officer shall be the primary unit on the call.
4. If the officer decides that the person needs an evaluation, and the consumer will not voluntarily seek assistance, then a custody decision will be made in accordance with NMSA 43-1-10.
5. If the consumer is transported involuntarily, handcuffs shall be utilized.

**B. Direct Supervision**

1. Supervisors should respond to crisis incidents and other mental health related calls to ensure good safety practice by their officers.
2. Some mental health related calls for service require resources beyond CIT Training. Among these might be active suicide attempts, barricaded subjects and hostage takings. CIT officers may be utilized as a resource in those situations until members of the Crisis Negotiations Team arrive. They should not be considered a substitute for accessing the Negotiations Team.
3. CIT incidents will be reviewed on a quarterly basis by the Police Services Captain to ensure appropriate response and to evaluate training needs.

**C. De-escalation**

1. Officers should consider that taking no action or passively monitoring a situation may be the most reasonable response to a mental health crisis.

**D. EAGLE IC Responsibilities**

1. EAGLE IC Operators provide real-time information to field officers responding to high-risk calls-for-service so that officer situational awareness is improved. They should be utilized during crisis/mental health incidents to provide historical intelligence and ensure the safest resolution for all involved parties.
2. CIT-Individuals flagged in the RMS system will be determined dangerous and will be considered a higher threat level. The following criteria will be reviewed by the EAGLE supervisor prior to an individual being flagged in the RMS:
  - a. Significant history and/or threat of violence due to crisis or mental illness.
  - b. Known or suspected possession or easy access to weapons.
  - c. Training in weapons and/or fighting tactics and techniques.
  - d. Threats of suicide by cop and/or provoked suicide.
  - e. Substantiated plan to carry out an act of violence.
  - f. Current conduct/threats demonstrating the potential for escalating violence.

### III. GENERAL POLICY FOR PROTECTIVE CUSTODY SITUATIONS

- A. In accordance with NMSA 43-1-10, a peace officer may detain a person for emergency mental health evaluation and care in the absence of a legally valid order from the court if:

1. the person is otherwise subject to lawful arrest;
2. the peace officer has reasonable grounds to believe the person has just attempted suicide;
3. the peace officer, based upon his own observation and investigation, has reasonable grounds to believe that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate detention is necessary to prevent such harm. Immediately upon arrival at the evaluation facility, the peace officer shall be interviewed by the admitting physician or his designee; or
4. a licensed physician or a certified psychologist has certified that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate detention is necessary to prevent such harm. Such certification shall constitute authority to transport the person.

- B. If one of the above criteria is met, the officer will transport the individual to one of the following resources:

1. Hobbs Detention Facility (301 N. Dalmont) for evaluation by a counselor from the Guidance Center.
2. Lea Regional Medical Center (5419 N. Lovington Highway)
3. Guidance Center of Lea County (920 W. Broadway)

An exception to this procedure is for juveniles. Juveniles should be transported to either the lobby of the police department or the Guidance Center where an evaluation may be completed by Guidance Center Staff or Lea Regional Hospital Emergency Room for evaluation by their staff.

Whenever a subject is transported to one of these facilities in regards to a mental health crisis, including but not limited to, voluntary, involuntary, Certificates of Evaluation, grave passive neglect, is in crisis, or when the subject is under arrest, an Offense/Incident report shall be completed.

- C. The officer will complete the first portion of the Mental Health Form and required paperwork.
- D. The counselor will interview the officer, then the individual and then complete the second portion of the Mental Health Form.

### III. REQUIRED PAPERWORK

At times individuals who live with a mental illness may have run-ins with law enforcement for misdemeanor and/or petty misdemeanor crimes. When possible those subjects may be better served by the issuance of a summons or citation and may be transported to their mental health provider. The following guidelines will assist when completing their paperwork:

**A. Individual not under arrest-not committable**

If an individual is not under arrest and the counselor determines that the individual is not committable, the officer will release the subject and complete a Non-Criminal Incident Report (NI).

The NIR number will be placed in the upper right hand corner of the completed Mental Health Form and forwarded to the records division for placement into the digital record of the NIR.

**B. Individual under arrest-not committable**

Upon arrival at the Detention Facility, a Combined Detention Report will be completed for "mental evaluation". Once it is determined that the subject is not committable, the officer will complete an Arrest Report charging the subject with the applicable crime.

A Criminal Incident Report (CI) will be completed detailing the crime. Nowhere in the report should the mental status of the offender be referred to. Because any information concerning the mental health inquiry is confidential, the details of the mental evaluation should be covered in a Narrative Supplement showing an additional charge of "mental evaluation". The original Mental Health Form will be forwarded to the records division for placement into the digital record of the criminal report.

**C. Individual not under arrest--committable**

A Non-Criminal Incident Report (NI) shall be completed with the NIR number being placed in the upper right hand corner of the original Mental Health Form which is forwarded to the records division.

Since a subject can only be held for twenty-four (24) hours before an emergency commitment can be obtained, it will be necessary for the officer and counselor to prepare all the necessary paperwork as quickly as possible so the subject can be transported. Depending upon the circumstances, the subject may be transported by us to Lea Regional Hospital or arrangements may be made for transportation by Lea County Sheriff's Office to another facility.

**D. Individual under arrest--committable**

A Criminal Incident Report (CI) shall be completed with the CIR number being placed in the upper right hand corner of the original Mental Health Form. The Mental Health Form will be forwarded to the records division to be digitally placed into the CIR. Nowhere in the report should the mental status of the offender be referred to. Because any information concerning the mental health inquiry is confidential, the details of the mental evaluation should be covered in a Narrative Supplement and the supplement will be marked "confidential" to ensure the privacy of the information.

Since a subject can only be held for twenty-four (24) hours before an emergency commitment can be obtained, it will be necessary for the officer and counselor to prepare all the necessary paperwork as quickly as possible so the subject can be transported. Depending upon the circumstances, the subject may be transported by us to Lea Regional Hospital or arrangements may be made for transportation by Lea County Sheriff's Office to another facility.

**I. STATEMENT OF PURPOSE**

The purpose of the Hobbs Police Canine Section is the same as that of the Police Department: prevention of crime, protection of life and apprehension of criminals. The purpose of this policy is to provide guidelines for the management and tactical deployment of canines for a variety of operational purposes.

The trained law enforcement canine or Police Service Dog (PSD) is a valuable supplement to police manpower because of their superior physical capabilities. PSD teams should be requested (or respond) to any situation where the PSD could be used to facilitate the capture of suspects with the least amount of injury to either the officers involved, the public, or the suspect. Canines should also be requested in any situation where their abilities to search would eliminate the use of man-hours by expediting a search for suspects or evidence.

In addition, K-9 Unit Officers (Handlers) may use their PSDs to apprehend certain criminal suspects, protect the PSDs Handler, track/wind scent individuals, prevent suicidal individuals from harming themselves or others, assist officers with crowd control, detect certain narcotics, conduct article searches, and perform any other function deemed necessary by the Hobbs Police Department (HPD).

Because of the PSDs potential for inflicting injury, the Handler must strictly control their PSD's use of force potential by adhering to the policies and procedures set forth in this section.

**II. DEFINITIONS**

**HANDLER** - As used in this section, "Handler" refers to certified K-9 Officers of the Hobbs Police Department K-9 Team.

**POLICE SERVICE DOG (PSD)** - used to describe the canines used by the Hobbs Police Department. "Service" refers to the multitude of tasks the PSDs are asked to perform.

**DEPLOYMENT** - any circumstance in which the Handler uses his or her PSD in an attempt to aid in the resolution of any police situation. The situation may be considered a deployment even if it does not subsequently end with the apprehension of a suspect/individual.

**APPREHENSION** - An apprehension shall be defined as any occasion in which the use of a PSD is directly responsible for the apprehension of a suspect/individual. Apprehensions shall further be broken down into the following sub-categories:

- A. **Announcement Only** - The mere presence of the PSD, or the warning that a PSD will be used compels the suspect/individual to surrender.
- B. **Directed Bite** - The Handler directs the PSD to bite an individual.

**ACCIDENTAL OR UNINTENTIONAL BITE** - the PSD bites a suspect/individual contrary to their training, as a result of human error during training, or the PSD bites an unintended individual.

**III. ADMINISTRATION OF CANINE SECTION**

- A. Canine Teams are assigned to the Patrol Services Division and are allocated in a manner that is determined to be in the best interest of the operations and the citizens.
- B. The Canine Teams are under the direct supervision of a shift Sergeant.
- C. A Canine Coordinator or Trainer is designated by the Division Captain and is responsible for record

keeping, training and other duties which may be required for the efficient and effective operation of the Canine Teams.

- D. A supervisor or acting supervisor at the scene may assume command of the scene only. The final deployment of the K-9 will be the sole responsibility of the handler because he will have first hand knowledge of the dog's limitations and abilities.

#### **IV. OWNERSHIP AND DISPOSITION OF DOGS**

- A. Police dogs are owned by the City of Hobbs. Ownership papers for all canines list the owner as the Chief of Police, or City of Hobbs.
- B. In the event that a dog, after being accepted into the training program, does not meet the standards, fails to successfully complete the training, or for any reason becomes incapable of performing its duties in an efficient manner, said dog shall be removed from service as directed by the Chief of Police.
- C. Any dog which becomes potentially dangerous to the officer or public or otherwise becomes a liability to the Department may be destroyed. The decision to destroy a dog is made by the Chief of Police.

#### **V. SELECTION OF CANINE OFFICERS**

- A. Personnel who desire assignment to the Canine Section must meet the following requirements.
  - 1. Minimum two years experience with the Department from the date of Commission.
  - 2. Rent or own their single family/dwelling home with an adequately fenced yard large enough to accommodate a dog.
  - 3. The applicant's family or roommates must agree to be interviewed as to their desire of having a dog in the household.
  - 4. The applicant must agree to a minimum three-year assignment unless promoted, transferred by necessity or otherwise removed from the assignment.
- B. Selection will be conducted according to the established procedures as noted in Departmental policies for Promotions and Transfers.

#### **VI. OFFICER ROTATION**

- A. Canine Officers normally serve with a particular canine until that dog is retired or is no longer fit for service. At this time the Canine officer may rotate out of the section.
- B. Canine Officers who wish to handle a second canine will be reviewed by the Division Captain. The review will include, but not be limited to, the following.
  - 1. The administrative Review Policy guidelines.
  - 2. The officer's and canine's monthly training records.
  - 3. The officer's and canine's yearly certifications.
  - 4. Overall performance of the officer.

**VII. STANDARDS FOR HOBBS POLICE DEPARTMENT DOGS**

- A. Prospective police dogs can be male or female, no younger than fourteen months nor older than four years, stand a minimum of twenty-four inches high at the shoulder and weigh at least fifty pounds.
- B. Deviations of breed or sex for specialty dogs may be recommended by the Canine Trainer-Coordinator, with the final decision being made by the Division Captain and the Chief of Police.
- C. All prospective dogs shall exhibit Alpha, Drives and Charter Traits of strength and courage. Each dog shall be tested for disposition, aggressiveness and reaction to gunfire.
- D. All prospective dogs, prior to being accepted into training, shall be checked by a veterinarian for
  - 1. Internal parasites;
  - 2. Blood test;
  - 3. Kidney function test;
  - 4. Subluxation (hip condition) X-rays;
  - 5. Any physical defects.

**VIII. TRAINING STANDARDS FOR POLICE DOGS**

- A. The Canine Coordinator is designated as the Canine Training Officer and has the responsibility and authority to train the Canine Teams according to his certified standards. The Canine officer has the responsibility of adhering to the Canine Training officer's decisions and instructions regarding the Canine Team training.
  - 1. All training will be conducted in accordance with the guidelines, training practices, and safety measures of the approved Department Trainer.
  - 2. Handlers will be responsible for seeing that proper training is given to each Handler and PSD.
  - 3. Handlers will follow the training directives of the Department Trainer and ensure training requirements are met each month.
- B. Each dog shall satisfactorily meet three phases of training in order to be certified.
  - 1. Obedience
    - a. Heel on leash and sit or down on command
    - b. Recall -Come off-leash
    - c. Obstacles
      - 1. High jump (3 feet);
      - 2. Window jump;
      - 3. Tunnel crawl.

2. Man Work
    - a. Search on command;
    - b. Bite on provocation;
    - c. Release on command (before and after contact is made);
  3. Trailing (air scenting on-lead or harness);
    - a. Narcotic detections
- C. In-Service Training
1. In-Service Training shall be scheduled and supervised by the Canine Training Coordinator with a minimum of sixteen hours per month set aside for training. The in-service training shall consist of daytime and nighttime training.
  2. All training which handlers conduct on their own shall be documented monthly, and conducted within the approved guidelines of the Canine Training Officer.
  3. Only those officers who have received training, coordinated by the Canine Training Coordinator, in the proper techniques of working the canines, should be allowed to assist Canine Officers in training the canines.
  4. Each dog is recertified on a yearly basis and is required to pass all phases of the canine proficiency test.
    - a. If the canine team fails a phase of testing, the dog is not permitted to be used in that phase until he successfully passes the test.
    - b. If the test is not successfully passed in two weeks, the handler and the dog shall be re-evaluated by the Canine Coordinator for replacement and retraining.
  5. The Handler, Canine Coordinator and the Training Lieutenant will maintain copies of the training record which pertain to the Canine Team.
  6. The Canine coordinator or narcotic canine handler may check out, for training purposes, narcotics from the Evidence Room. These narcotics have previously been determined not to be valid for evidentiary purposes and have been cleared for use through the Chain of Command.
    - a. A log is maintained to track the use of these narcotics.
    - b. The types and quantity of narcotics used for this purpose is dependant on the cases which are available.
    - c. The New Mexico Board of Pharmacy and United States Department of Justice, Drug Enforcement Administration license Protocol must be followed at all times by any handler or trainer that is in possession of these narcotics for training purposes. A copy of the license will be kept in a file in the Training Coordinator's office.

**IX. RETIREMENT OF DOGS**

If, for any reason, a dog is no longer able to function in the unit, that dog will be retired. The Chief of Police decides the manner of retirement for the dog.

- A. A handler may be allowed to keep the dog, if so desired and if approved by the Chief of Police.
- B. Upon retirement, a waiver of liability for the Department shall be signed by the dog's new owner. The Waiver of Liability shall be kept with the dog's permanent file.
- C. The dog's new owner shall be responsible for all costs associated with care and keeping of the dog. This includes, but is not limited to, medical treatment, food, lodging, etc.

**X. USE OF CANINE AS A FORCE OPTION**

- A. A Handler's use of their PSD as a use of force option may range from presence to less lethal force. A Handler shall not deploy their PSD merely because it is an available option. When a PSD is used as a use of force option, the Handler's deployment of their PSD shall be objectively reasonable under the facts and circumstances confronting the Handler. The Handler must evaluate the following factors, taking into consideration the safety of officers, citizens, and the suspect/individual, prior to deployment of the PSD:
  - 1. The severity of the crime(s) at issue; the use of a canine will normally be limited to felony crimes unless otherwise dictated within this policy.
  - 2. Whether the suspect poses an immediate threat to the safety of the officers or others; and
  - 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
  - 4. PSDs will not be used for a search of residential property without the proper search and /or warrant documents being completed.

**XI. WARNINGS**

- A. When a PSD is used to locate a suspect/individual, a verbal warning will be made prior to releasing the PSD. The warning shall give notice that the Handler is going to deploy a PSD and the probable consequences of the suspect's/individual's actions if encountered by the PSD.
- B. The following format is a guideline as each situation may require a different announcement:

“Attention in the (*search area*). This is the Hobbs Police Department. Surrender immediately or a police dog will be used to find you. If you are found, he will bite you.”
- C. If another announcement is used it will be documented exactly as given in the Handler's written report.
  - 1. During the search of a large building or open area, the Handler should give several announcements throughout the search to ensure a suspect/individual has additional opportunities to surrender. The Handler shall also consider the use of P/A system.
  - 2. In the case of a directed bite, the following announcement should be given, if feasible: “This is the Hobbs Police Department. Stop (*describe the action*), or a police dog will bite you”. If another announcement is used it will be documented exactly as given in the Handler's



written report.

3. A Handler will give appropriate warnings prior to the beginning of a search, or perform a thorough visual search before deploying their PSD.
  4. K-9 officers can designate another officer to give K-9 warnings prior to the K-9's arrival.
- D. Under certain circumstances, the HPD acknowledges that a warning, or multiple warnings, may be dangerous or futile. Thus, a Handler is not required to give a warning prior to a PSD deployment in the following circumstances:
- The need to deploy a PSD develops so suddenly that the Handler does not have a reasonable opportunity or enough time to give the warning prior to deployment.
- E. When a warning is not given, the Handler shall document the specific facts in their written report to justify the omission.

## **XII. TAPE RECORDING**

Handlers will tape record their PSD deployment. During building searches, Handler will tape record the entire deployment from its beginning of the search until the search is completed. The HPD acknowledges that during certain dynamic or rapidly evolving situations, tape recording the situation will not always be practical or possible.

## **XIII. OPERATIONAL PROCEDURES**

- A. Handlers should consider the reasonableness of other force options prior to the deployment of the PSD. Based upon the totality of the circumstances, the Handler will have the discretion of deploying the PSD with a muzzle, or on lead.
- B. Once the decision to deploy a PSD is made, the Handler will call the PSD back, or remove him from the bite at the earliest opportunity after the suspect has stopped actively resisting or is no longer a threat to officers. Handlers should recognize that it is not practical to expect an individual to stop all movement while being bitten by a PSD.
- C. Operational Control/ Conflict of Orders

Any supervisor may assume operational control of any situation requiring the deployment of the PSDs.

1. If a Handler is requested by a supervisor to deploy his PSD in a manner that the Handler feels is inappropriate, the Handler will inform the supervisor of this and state the reasons for his concern. If the supervisor allows the order to stand, the Handler will do his best to comply with the order. The supervisor issuing the order will assume complete responsibility for the decision.
  2. Under no circumstance will a Handler comply with an order that he knows to be illegal or violates the civil rights of any individual, specifically prohibitions against excessive force.
- D. Building searches
1. Training

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

- a. Should be practiced on a regular basis.
- b. Should be practiced in as many different locations as possible.
- c. Should be made as realistic as safety will allow.

2. Actual Procedures

- a. Handler will advise via radio that they have arrived.
- b. Handler will ensure that the outside perimeter is secure.
- c. If there are no signs of forced entry, the Handler will standby until the responsible party has arrived or been contacted. The Handler will obtain a taped statement from the responsible party that includes assurances no persons should be inside the business. If officers are unable to contact a responsible party, the Handler can proceed with the search after they have taken steps to ensure that no authorized persons should be in the building.
- d. The Handler will take one officer, at a minimum, to act as a cover officer.
- e. The Handler will advise the cover officer(s) of the proper search procedures.
- f. The Handler will advise radio and other units at the scene that they are beginning the search.
- g. Appropriate warnings will be given.
- h. Handlers will attempt to start at the point of entry. If broken glass is present, mats will be used to protect the PSD.
- i. The Handler will assume a surveillance position with the PSD, allowing him to smell, hear, and see.
- j. The PSD will be released on a free search of the immediate area. Unless unusual circumstances exist, the Handler should keep the PSD in close proximity to him in the event that a suspect is located. This will give the Handler the ability to direct the actions of the PSD should the suspect flee or become combative.
- k. Unless he's working a scent, the PSD will be recalled and the Handler will begin a systematic search.
- l. The assisting officer will check areas the PSD cannot, i.e.; access ladders, inside truck cabs, etc. The assisting officer should have his weapon in a low ready or weaver flashlight ready position.
- m. Upon locating a suspect, the Handler will take physical control of the PSD. The PSD will be moved a safe distance from the suspect and only then will the assisting officer be allowed to approach the suspect, secure him, and remove him.
- n. If the suspect flees at any point, the Handler will order him to stop and remain still. If he continues to flee, the Handler will evaluate the circumstances, and, if appropriate, will allow the PSD to pursue and apprehend the suspect.
- o. A thorough search of the area will be completed even if a suspect is located.
- p. An additional PSD should be used if the primary PSD has become fatigued.

E. Area Searches

Area searches are done by allowing the PSD to use his nose, either down (tracking) or up (wind scenting).

- 1. Tracking is difficult as there are numerous factors involved, i.e., the ground surface, weather,

items worn by the suspect, etc.

2. Wind scenting is easier for the PSD as the scent passes by him. Factors that affect wind scenting are the type of terrain (rolling hills, mesas, arroyos, etc.), strength of the wind, and obstacles to the wind (trees, walls, brush, tall grass, etc.).
3. Handlers will make every effort to start from the last known position of the suspect, or the furthest position down wind.
4. When conducting area searches for persons or articles, Handlers will consider the area, time of day, and perimeter conditions to determine the safest and most effective method of conducting the search. This may involve the use of a muzzle or on lead under appropriate circumstances.
5. When using a PSD to search in residential areas, a reasonable effort will be made to notify residents of the intended use of the PSD. Instructions will be given so that the residents may secure their pets and family members from any possible adverse contact with the suspect/individual, Handler/PSD, or officers.

F. Use of PSD to Apprehend Fleeing Suspects

1. Under appropriate (limited) circumstances, PSDs may be used to apprehend persons fleeing or resisting arrest.
2. Prior to deployment, the following announcement should be given, "This is the Hobbs Police Department. Stop (*describe the action*), or a police dog will bite you." If another announcement is used it will be documented exactly as given in the Handler's written report.
3. The age of the suspect (i.e. juvenile) will not preclude the use of the PSD, but should be considered in evaluating the threat the subject poses.
4. The Handler must take into account the area he is in and other individuals in the area before releasing the PSD.
5. Once the PSD is released, the Handler will make every effort to keep the PSD in sight until the suspect has been apprehended or, if the PSD loses the suspect, call the PSD back to the Handler.

G. PSD Handler Protection and Officer/Citizen Protection

1. PSDs are trained to protect their Handler, without command.
2. The PSD cannot distinguish between a real or perceived threat to the Handler. No person should make any aggressive movements around the Handler whose PSD is with him.
3. The Handler has the ability to direct a PSD to defend or protect any other person that the Handler determines is in need. This will generally be accomplished on lead.

H. Crowd Control

1. It must be shown that uniformed officers cannot control a crowd before PSDs will be used.

2. As with other situations, the use of PSDs in crowd control situations may range from their presence up to a less lethal force option.
  3. Handlers will warn field officers to stay away from the PSDs in this situation.
  4. Handlers should not get separated from one another, but will work as a team, clearing one area at a time.
  5. Field officers will stay behind a line formed by the K-9 Unit.
  6. Handlers will continue to verbally warn the participants to leave as the PSDs continue to advance.
  7. The crowd will always be given an exit route and Handlers will move the crowd in that direction.
  8. The PSDs will be trained to work in conjunction with the SWAT team for crowd control.
  9. If there is immediate danger to citizens or officers, the PSDs may be used as a defensive tool to protect citizens or officers.
- I. PSDs Used as Less Lethal Options (as directed by a supervisor)
1. PSDs may be deployed in limited circumstances as a less lethal option, in conjunction with or exclusive of, beanbag rounds, Tasers, 40 mm munitions, and OC spray.
  1. A PSD may be used as a less lethal option against a suicidal individual when doing so minimizes the risk of injury to the suspect, officers, and the community.
- J. Narcotics Detection
1. Department canines are trained to detect heroin, cocaine, methamphetamine and marijuana.
  2. Any officer may call for an on-duty Canine Team to assist in locating narcotics in buildings, vehicles, luggage, and schools or anywhere narcotics may be hidden.
  3. Narcotic searches shall normally be conducted on lead unless it is not physically practical to the operation of the team.
  4. When a canine team responds to a scene for narcotics detection, prior to any sniff search taking place, the Handler shall ascertain if consent to search has been granted, or if a search warrant has been secured for the location/vehicle that is to be sniff searched. This point shall be documented in the canine handler's police report.

#### XIV. POLICIES REGARDING USE OF CANINE TEAMS

- A. Request for assistance by a law enforcement agency other than the Hobbs Police Department shall be referred to a supervisor as long as it is in Lea County. If the request for assistance is outside of Lea County, the Patrol Captain will determine whether a Department Canine Team will be deployed.
- B. The Canine handler must be completely aware of the dog's state of training abilities, to be able to use the canine to the fullest, and to avoid attempting to use the dog beyond his capabilities.

- C. When a canine is requested at a scene, the situation shall be fully explained by the officer making the request. The Canine handler shall be responsible for determining whether the circumstances justify the use of a canine and also for determining the tactical utilization.
- D. Prior to the use of a canine to search for or apprehend any individual, the Canine handler and the supervisor on scene shall carefully consider all pertinent information reasonable available at the time. The information shall include, but is not limited to the following:
  - 1. The individual's age or estimate thereof
  - 2. The nature of the suspected offense.
  - 3. Any potential danger to the public and or other officers at the scene if a canine is released.
  - 4. The degree of resistance, if any, the subject has shown.
  - 5. The potential for escape or flight if the canine is not utilized.
  - 6. The potential for injury to officers, the Handler, or the public caused by the suspect if the canine is not utilized.
- E. A Request for an immediate tactical utilization of the services of a Canine Team may be made by any officer at the scene of an incident.
- F. A Canine team may be called out at any time. The request for such must approved and made by a supervisor.
  - 1. A weekly, rotating call-out roster will be maintained with a primary and secondary team listed.
- G. All dogs shall be under full control at all times and shall not be permitted to bite a person, except in cases where force is necessary. No more force than necessary to make the apprehension and arrest shall be used. The Canine Handler must be constantly alert to the fact that a Police Officer must use the minimum amount of force necessary to secure the detention and arrest of a suspect. The dog is an extension of the Canine Handler; therefore, the Canine Handler is bound to ensure that the dog adheres to the same laws concerning the use of force as required of a Police Officer.
- H. Dogs shall be secured for their safety and the safety of others when not accompanied by the handler.
- I. Prior to giving the PSD a break, the Handler will ensure that the immediate area is clear of citizens. If, due to the environment, this is not possible, the Handler will keep the PSD on leash during the break.
- J. Handlers will be held responsible for the actions of their PSDs, both on and off leash, at all times.
- K. Handlers will not discipline their PSDs in public view.
- L. Agitation training will be accomplished under the direction of the Unit Coordinator.
- N. When the dog is left alone in a police vehicle, the vehicle will be secured in such a manner that a passerby cannot be bitten.
- O. No one shall be permitted to tease or antagonize a Department Canine or attempt to touch the dog without the Canine Handler's consent.

Cruel actions towards the PSDs will not be tolerated and is grounds for disciplinary action.

- P. Canine Handlers shall not demonstrate the dog's training or abilities to individuals or groups, except upon authority of the Canine Coordinator or member of the Command Staff.
- Q. Canine teams shall attempt to avoid volatile situations, such as an area of lawful assembly, picket lines, student gatherings, civil disturbances, and riot situations, unless assigned by a supervisor.

**XV. SWAT UNIT ASSISTANCE**

K-9 Officers that are requested for SWAT operations will fall under the direction of the incident commander, team leader, or supervisor in charge.

**XVI. REPORTS**

- A. The Canine Coordinator submits a monthly report through the chain of command, on the following activities:
  - 1. All building searches, narcotic searches, evidence searches and tracks;
  - 2. Demonstrations or exhibitions;
  - 3. Any activity involving a Canine team;
  - 4. In-Service Training;
  - 5. Expenses;
  - 6. Other information specified by the Canine Coordinator, shift Lieutenant or Division Captain.
- B. A yearly report on Canine Re-certification will be forwarded through the chain of command by the Canine Coordinator.

**XVII. CANINE BITE PROCEDURE**

- A. If a Department canine bites a suspect or anyone else, it is the responsibility of the Canine handler to ensure the subject receives medical attention as soon as possible. The handler will immediately report the bite to the on-duty supervisor. If possible the Canine Coordinate will also be notified. A report will be completed any time a police canine bites someone regardless of the amount of injuries.
- B. The suspect shall not be transported to the Emergency Room in a Canine Unit unless the unit is properly equipped for prisoner transport. Transport policy must be followed. The suspect may be transported to the Emergency Room in a patrol car unless the injuries are serious in nature, then an ambulance shall be called. An on duty supervisor will be called to the scene of a K-9 bite so that he or she may determine if the bite is of a serious nature.
- C. In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party.
- D. The canine is an extension of the police officer. Therefore, a bite is considered use of force by the officer. The provisions of the Use of Force policy will be followed on all canine bites.
- E. When a canine is involved in a bite situation, the Canine handler shall contact Hobbs Animal Control by the next day and advise them of the bite. The Canine Handler shall make arrangements with Animal Control to allow one of their representatives to be able to visually observe the Canine daily for a ten (10) day observation period.

### XVIII. INJURED HANDLER PROCEDURES

If the Canine Handler is down, his/her PSD, in all probability, will stand guard preventing anyone from approaching him/her. In this situation, the following procedures should be adhered to:

- A. Do not rush the Handler or his/her PSD.
- B. Call to the Handler. If he/she can, he/she will call the dog off.
- C. Try to call the dog off using an authoritative voice.
- D. Request assistance from an animal control officer.
- E. The Canine police vehicle has a protective sleeve, muzzle, and additional leads. If the PSD cannot be called off, he can be secured by allowing him to attack the protective sleeve; once the PSD has a grasp, he will not let go. The PSD can then be secured with a leash and muzzled with a minimum of danger.
- F. After the PSD is secured, animal control officers will transport the dog to its kennel.
- G. In the event the PSD is also injured, alert dispatch to phone the veterinarian and advise him of the emergency.
- H. The PSD and its Handler train and work together. The PSD's attitude will change if the Handler is hurt or in danger.
- I. If it is a matter of life or death for the Handler and all other means have failed, the last resort is to shoot the PSD.

### XIX. CONDUCT AROUND CANINE

- A. Officers will not tease, torment, or roughhouse with a PSD or Handler; the PSD cannot determine the difference between a push in a joking manner or a push in reality.
- B. Do not be aggressive to the PSD or Handler.
- C. Do not attempt to pet or touch the PSD when he is with his Handler or left unattended.
- D. Special care shall be used when handling weapons around the PSD.
- E. Do not attempt to give the PSD commands or try to have the PSD break a command give to him by his Handler.
- F. Do not try to feed the PSD.
- G. If the PSD is operating off leash, do not get in between the PSD and the Handler. Do not run after the suspect. Do not get ahead of the PSD as this will interfere with what the PSD is searching for. If the PSD comes up to you, stand still. Do not run from the PSD or make any fast movements.
- H. Under no circumstance will an officer attempt to enter an unattended PSD police vehicle unless instructed to do so the Handler.

**XX. CARE OF CANINES**

- A. Each Canine handler is responsible for the grooming, feeding, and medical care of an assigned dog. Dogs are to be properly fed and groomed daily.
- B. Canines shall not be used for stud service.
- C. Each Canine handler provides a desirable home environment for the dog.
- D. Dogs shall not be allowed to run at large at home. Also, necessary precautions shall be taken when visitors are at the Canine handler's home.
- E. The canine's living quarter shall be kept clean and sanitary. The Canine Coordinator shall inspect the canine's living conditions semiannually and complete a yearly inspection report. The living quarters are also subject to staff inspections at least every two years.
- F. The Department furnishes food and veterinarian cares for the dog.
- G. Each handler shall use the veterinarian specified by the Department.
- H. Each dog shall receive an annual vaccine for Distemper, Hepatitis, Leptospirosis, para influenza and Rabies. The veterinarian will check each dog for internal parasites on a yearly basis.
- I. Expenses for illness, operations, and treatment that are not emergency in nature, or specified herein, must be approved by the Canine Coordinator.
- J. The Canine handler is responsible for spraying the canine's living quarters for parasites at least twice a year.
- K. Punishing the dogs by striking or kicking is strictly prohibited and shall result in disciplinary action.

**XXI. VACATIONS**

Vacations will be contingent upon the needs of the HPD and the Tactical Section.

- A. While on vacation, the Handler may take their PSD with them, board the PSD at a designated kennel, or have another Handler care for their PSD.
- B. If the Handler takes the PSD, the Handler will be responsible for all of the PSD's actions and for the PSD's well-being.
- C. The Handler will take the shot records and city tags with him.

**XXII. CARE OF CANINE VEHICLES**

- A. The Canine Handler is assigned a Department vehicle. This vehicle is used in accordance with existing policies regarding the use of police vehicles.
- B. Each Canine handler, due to the limited number of Canine Teams, shall keep the police vehicle in the best mechanical condition, and ready for use at any time.



- C. Vehicles shall be kept in a sanitary condition. Cleaning of the car, inside and out is the responsibility of the assigned officer and subject to monthly inspections by the Canine Coordinator.

**XXIII. UNIFORMS AND EQUIPMENT**

- A. Unless otherwise approved Canine Handlers will wear the authorized and appropriate uniform.
- B. All handlers will be issued certain equipment depending on their position (Patrol or Narcotics). An equipment list will be maintained in the police departments purchasing office. Each handler will be responsible for cleaning and maintaining their assigned equipment. If equipment is broken or lost then the handler will be responsible for reporting this damage or loss to the Canine Coordinator as soon as possible.

**XXIV. CANINE MAINTENANCE COMPENSATION**

- A. Canine handlers will be paid 30 minutes of maintenance time per day. This will be paid in addition to their regular hours and will be entered in the time book as mandatory time.
- B. This 30 minutes per day is to be used for kennel maintenance, dog grooming and any other duties that might arise in dealing with the care and feeding of the police dog.

**XXV. DEA LICENSED TRAINING NARCOTICS**

- A. Storage
  - 1. Canine training narcotics will be housed at the police department in a locked safe that is properly secured to the floor or wall.
  - 2. Narcotics can be broke down into smaller amounts and stored in jars inside the safe to allow handlers to train with various amounts of narcotics. Each different narcotic type shall be stored in a separate jar.
- B. Handling
  - 1. All narcotics must be logged out utilizing the log sheet located inside the safe. The log sheet will be signed by the officer and a witnessing officer. Upon return, the officer will sign in the narcotics and have it witnessed by a second officer.
  - 2. The officer that logs the narcotics out will be responsible for them until the time they are logged back into the safe.
- C. Accountability
  - 1. In the event that training narcotics come up missing or are stolen the DEA will be notified immediately and a DEA form 106 will be completed.
  - 2. A report will be completed, and an investigation initiated.
  - 3. The training narcotic safe will be inventoried monthly, and the results will be reported to the Canine Coordinator.
- D. Destruction

**I. STATEMENT OF PURPOSE**

Bicycle Patrol officers are assigned to specific geographic areas or events for their frequent visible police presence to deter common violations and where their mobility can best be utilized. The policy establishes guideline for use of Department bicycles.

**II. DUTIES AND RESPONSIBILITIES**

Officers may be assigned to Bicycle Patrol duty with the following responsibilities:

- A. To work specific geographic areas within the city limits that pose law enforcement related problems and to address those problems.
- B. To work areas of concern to detect crime and criminal patterns (i.e., drug trafficking, commercial and residential burglaries, etc.) where the use of the bicycle might increase the observation ability.
- C. Patrol any other areas for specific reasons as directed by their immediate supervisor or chain of command.
- D. Available to work extra duty for special events for crowd control, crime deterrence, crime detection and public relations.

**III. UNIFORM/SPECIALIZED EQUIPMENT**

The Bicycle Patrol uniform and specialized equipment guidelines shall be as follows:

- A. **Helmet** - The bicycle helmet is to be worn at all times when the officer is operating any bicycle for Departmental purposes.
- B. **Uniform** - The uniform requirement while operating the bicycle will be dependent upon the season and/or event and will be determined by the assigning supervisor.
- C. **Equipment** - Officers assigned to this duty shall have all required equipment available as determined by the assigning supervisor.

**I. STATEMENT OF PURPOSE**

In order to promote public understanding of the police role in the community, the Department allows citizens to accompany patrol officers in the field as observers. This order is intended to provide rules and guidelines for the ride-along-program.

**II. PROCEDURES**

- A. A civilian who desires to ride as an observer should contact the on-duty supervisor to determine the availability. Civilians will not be permitted to ride more than two times in a six month period. The maximum number of ride-alongs for participants of the Explorer Program will be at the discretion of the Chief of Police or his designee.
- B. The civilian will complete a "Rider Waiver".
- C. The Communications Center will run a Triple III, and N.C.I.C. for wanted and a local criminal history wanted check on the requested person. The results shall be attached to the form.
- D. The waiver, Triple III, N.C.I.C. wanted check and local criminal history wanted check will be turned over to the on-duty supervisor for approval and completion. All persons with a criminal history will be reviewed and approved on a case by case basis and, except under unusual circumstances; persons with serious criminal histories shall be automatically disqualified.
- E. No person under eighteen years of age, with the exception of participants of the Explorer Program, shall be permitted to ride as an observer in a police car without prior approval from the Chief of Police.
- F. If the request is approved, the Communications Center shall be so informed and the observer shall be placed with an officer as designated by a patrol supervisor.
- G. Persons who are not approved to be an observer shall be told of this fact by a supervisor and given the reason for the denial.
- H. Rider Waivers, both approved and unapproved, will be forwarded to the Office of Professional Standards and maintained for a period of one year.
- I. On-duty non-sworn personnel may be assigned by a supervisor to ride with officers for the purpose of training.
- J. Non-sworn personnel shall not ride without the prior knowledge of their supervisor.
- K. Due to the potential for danger, no observers will be allowed to leave the vehicle unless potential life endangering situations exist or previous clearance has been obtained.
- L. Observers shall not become directly involved in any police action unless necessary to preserve the safety of the officer.
- M. If an arrest is made, an observer will not be allowed in the Detention Facility.

- N. Probationary officers are not allowed to have civilian observers unless it is an out-of-town family and prior clearance has been received from the Shift Commander.
- O. Civilian observers need to be aware that much of what an officer does and sees is confidential, and are requested to maintain that confidentiality.

**III. RESPONSIBILITY**

**A. Officers**

- 1. Officers who are assigned an observer will make every reasonable effort to assure the safety of the observer.
- 2. Officers shall immediately bring to the station and notify their supervisor if an observer refuses to cooperate. Any permission for further observation shall be withdrawn.

**B. Supervisors**

- 1. Supervisors will ensure that an observer is an appropriate candidate for the ride-along program.
  - a. The rider has not consumed any alcoholic beverage.
  - b. The rider presents a neat, conservative, well-groomed appearance.
- 2. Supervisors will ensure that the civilian observer is aware of the limitations imposed on them.

**I. STATEMENT OF PURPOSE**

The purpose of this policy is to assist officers in determining when field interviews and pat-down searches are warranted and the manner in which they must be conducted.

**II. POLICY**

The field interview is an important point of contact for officers in preventing and investigating criminal activity. In order to maintain the effectiveness and legitimacy of this practice and to protect the safety of officers in approaching suspicious individuals, law enforcement officers shall conduct field interviews and perform pat-down searches in conformance with procedures set forth in this policy.

**III. DEFINITIONS**

- A. Field Interview: The brief detainment of an individual whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicion.
- B. Pat-Down Search: A "frisk" or external feeling of the outer garments of an individual for weapons only.
- C. Reasonable Suspicion: Absent probable cause for arrest, an officer must have a specific and articulable basis in fact for suspecting criminal activity has occurred or is about to take place. The intrusion must be reasonable when viewed objectively in light of the circumstances, and the scope and character of the intrusion must be reasonably related to its purpose.

**IV. PROCEDURE - FIELD INTERVIEWS****A. Justification for Conducting a Field Interview**

A law enforcement officer may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, the officer must be able to point to specific facts that, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- 1. The appearance or demeanor of an individual suggests that he is part of a criminal enterprise or is engaged in a criminal act.
- 2. The actions of the suspect suggest that he is engaged in a criminal activity.
- 3. The hour of the day or night is inappropriate for the suspect's presence in the area.
- 4. The suspect's presence in his surroundings or location is inappropriate.
- 5. The suspect is carrying a suspicious object.
- 6. The suspect's clothing bulges in a manner that suggests he is carrying a weapon.

**CHAPTER 6**

**SECTION 13 C FIELD INTERVIEWS AND PAT-DOWN SEARCHES**

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7. The suspect is located in proximate time and place to an alleged crime.
8. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

**B. Procedures for Initiating a Field Interview**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he has articulable, reasonable suspicion to do so. The following guidelines shall be followed when making an authorized stop to conduct a field interview.

1. When approaching the suspect, the officer shall clearly identify himself as a law enforcement officer, if not in uniform, by announcing his identity and displaying his departmental identification.
2. Officers shall be courteous at all times during the contact but maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
3. Before approaching more than one suspect, individual officers should determine whether the circumstances warrant a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
4. Officers shall confine their questions to those concerning the suspect's identity, place of residence and other inquiries necessary to resolve the officer's suspicions. However, in no instance shall an officer detain a suspect longer than is reasonably necessary to make these limited inquiries.
5. Officers are not required to give suspects Miranda warnings in order to conduct field interviews unless the person is in custody and about to be interrogated.
6. Suspects are not required, nor can they be compelled to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient ground to make an arrest although it may provide sufficient justification for additional observations and investigation. However, if a suspect's refusal to identify himself will result in substantial inconvenience or expense, to the police, the suspect should be warned that further refusal may result in an arrest for concealing identity.

**V. PROCEDURES – PAT-DOWN SEARCHES**

**A. Justification for Conducting Pat-Down Searches**

A law enforcement officer has the right to perform a pat-down search of the outer garments of a suspect for weapons if the suspect has been legitimately stopped with reasonable suspicion and only when the officer has a reasonable fear for his own or another person's safety. Clearly, not every field interview poses sufficient justification for conducting a pat-down search. Following are some criteria that may form the basis for establishing justification for performing a pat-down search. Officers should note that these factors are not all inclusive. There are other factors that could be or should be

considered. The existence of more than one of these factors may be required in order to support reasonable suspicion for the search.

1. The type of crime suspected, particularly in crimes of violence, where the use or threat of deadly weapons is involved.
2. Where more than one suspect must be handled by a single officer.
3. The hour of the day and the location or surroundings where the stop takes place.
4. Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
5. The appearance and demeanor of the suspect.
6. Visual indications that suggest that the suspect is carrying a firearm or other deadly weapon.
7. The age and gender of the suspect. Whenever possible, pat-down searches should be performed by officers of the same sex.

**B. Procedures for Performing a Pat-Down Search**

When reasonable suspicion exists to perform a pat-down search, it should be performed with due caution, restraint and sensitivity. These searches are only justifiable and may be performed to protect the safety of officers and others and may never be used to shakedown individuals or groups of individuals or as a pretext for obtaining evidence. Under these circumstances, pat-down searches should be conducted in the following manner.

1. Whenever possible, pat-down searches should be conducted by at least two officers, one of whom performs the search while the other provides protective cover.
2. Because pat-down searches are cursory in nature, they should be performed with the suspect in a standing position, with his feet spread apart, and his hands placed behind his head or back, depending on the officer's choice. The fingers should be interlocked and held by the officer. Should a weapon be visually observed, however, a more secure search position may be used, such as the prone position.
3. In a pat-down search, officers are permitted only to externally feel the outer clothing of the suspect. Officers may not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club, or other item.
4. If the suspect is carrying a container such as a handbag, suitcase, briefcase, sack or other container that may conceal a weapon, the officer should not open the container unless the officer has reasonable suspicion that the container conceals a weapon.
5. If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, an officer may retrieve that item only. If the item is a weapon, the possession of which is a crime, the officer should make an arrest of the suspect and complete a full-custody search of the suspect.

6. If the external feeling of the suspect's clothing reveals an object immediately apparent to the officer as contraband, the officer may retrieve that object. Officers should exercise caution in the discovery of contraband during pat-down searches to insure that the permissible scope of a pat-down search is not exceeded. The pat-down search must be strictly limited to that which is necessary for the discovery of weapons only.

**C. Reporting**

1. If after conducting a field interview there is no basis for making an arrest, the officer shall record the facts of the interview and forward the documentation to the appropriate supervisor for approval.
2. If after completion of the field contact where a pat-down was performed and there is no basis for an arrest the officer shall record the facts of the pat-down and forward the field interview card to the appropriate supervisor for approval.



**I. STATEMENT OF PURPOSE**

The purpose of this policy is to define the limitations of authority and acceptable conduct and practices of officers when making police business contacts with citizens, as part of their community care taking function.

**II. POLICY**

Police interactions with citizens form the cornerstone of effective police work. With that in mind, all officers shall follow the provisions of this policy to maximize the usefulness of investigatory citizen contacts while observing and respecting the privacy rights of citizens. This policy does not address stops based on reasonable suspicion of criminal activity or frisks of suspects incidental to such stops. Officers should refer to protocols contained in the Hobbs Police Department's policies on *Field Interviews and Pat-Down Searches* and *Traffic Enforcement*.

**III. PROCEDURES**

**A Grounds for Citizen Contacts**

1. Citizen contact may be initiated by an officer when the officer believes that it may serve the interests of a police investigation, inquiry or other bona fide police business, such as community care taking.
2. Citizen contacts do not involve an arrest, an investigative detention or any other restraint on a citizen's ability to walk away or otherwise terminate the encounter.

**B Initiation of Citizen Contacts**

1. Officers may initiate a citizen contact in any place that the officer has a legal right to be. Examples of such places vary widely but include for example:
  - a. Areas intended for public use or normally exposed to public view;
  - b. Places to which the officer has been admitted with the consent of the person empowered to give such consent;
  - c. Places to which the officer may be admitted pursuant to a court order (such as an arrest or search warrant);
  - d. Places where the circumstances require an immediate law enforcement presence to protect life, well-being or property; and
  - e. Places in which the officer may effect a lawful warrant less arrest.
2. Officer may initiate contacts only for legitimate police-related purposes. They may not use contacts on a pretextual basis so as to intimidate, harass or coerce citizens (such as to leave a public place).

C Citizen Contact Protocol

Officers must keep in mind that citizen contacts, as contained in this section, are based on the presumption that the citizen is not under any reasonable suspicion of criminal activity. As such, officers shall adhere to the following protocols.

1. Persons contacted may not be detained in any manner against their will or frisked unless reasonable suspicion is established during the course of the contact to believe they present a danger to the officer or that they have committed, are committing or are about to commit a crime. If reasonable suspicion is established the officer(s) should refer to policies on *Field Interviews and Pat-Down Searches*.
2. An officer may not use force or coercion to require a citizen to stop or respond to questions or directions absent any other legal reason.
3. Officers shall ensure that their actions and requests could not be reasonably perceived by the citizen as a restraint on his or her freedom to leave the officer's presence. As such officers should observe the following.
  - a. Introduce themselves and explain the reason for making the contact.
  - b. Act in a courteous and restrained manner at all times.
  - c. Establish rapport.
  - d. Avoid gruffness, officious attitudes or requests that sound like commands.
  - e. Phrase requests using optional words such as "may", "would you mind", or similar terms and phrases.
  - f. Keep the duration of the contact as brief as possible.
  - g. Do not create a physical or other barrier to the citizen's ability to leave by creating a physically imposing and/or intimidating presence.
4. If citizens ask whether they must respond to questions or must remain in the officer's presence, they shall be informed that they need not answer any question and are free to leave at any time.
5. Where citizens refuse or cease to cooperate during a contact, they must be permitted to leave.
6. Refusal of the citizen to cooperate with the officer, for example, through silence (e.g., not answering questions), by a refusal to provide personal identification, or by refusal to account for his or her presence in a public place cannot be used as the basis for turning the "contact" into a "stop" or "detention".

**I. STATEMENT OF PURPOSE**

The purpose of the motorcycle unit is to support the Patrol Services Division in accident investigation, traffic enforcement, special event management, and with participation in community programs promoting driver safety and public awareness to provide the highest possible service to the citizens of our community.

We must seek to lessen the burden of the patrol officer and deal with those problems that are traffic related.

**II. DUTIES AND RESPONSIBILITIES**

Officers of the unit will execute their mission of accident prevention and investigation safely and expeditiously in order to return patrol units to their other policing responsibilities. Whenever possible, the members of the unit will work to develop effective partnerships with the citizens of our community, other units, and other agencies through routine work activities and special events. They will maintain their duties and responsibilities as patrol officers as outlined in their job description.

**III. UNIFORMS/SPECIALIZED EQUIPMENT**

The motorcycle unit uniform and specialized equipment guidelines shall be as follows:

- A. Helmet-Motorcycles are not operated without the use of an approved, properly secured motorcycle helmet.
- B. Shirt-The shirt, both long sleeve and short sleeve with patches, will be approved by the Police Department.
- C. Turtleneck-A Police Department approved turtleneck will be issued and worn in conjunction with the winter uniform shirt, in lieu of the tie, except when a Class A uniform is required.
- D. Pant-The uniform pant will be Police Department approved and will be specialized for motorcycle use.
- E. Jacket-A lightweight, and a heavyweight leather, Police Department approved jacket will be provided to accommodate weather changes.
- F. Boots-Footwear will be specialized boots designed for motorcycle riders. They will be black in color and highly polished. They will be worn on the outside of the trouser. These will be issued by the Police Department.

**IV. OFFICER SELECTION**

The following are the selection criteria for the position of motorcycle unit officer.

- A. A minimum of one year as a police officer with the Hobbs Police Department.
- B. Prior motorcycle riding experience is preferred, but not required.
- C. The motorcycle officer's home must have a garage, shed, or other adequate facility to provide security and protection from the weather.

- D. Commitment to a minimum three year assignment, unless promoted, transferred by necessity or otherwise removed from the assignment.
- E. Selection will be conducted according to the established procedures as noted in Departmental policies for Promotions and Transfers.

**V. TRAINING**

The attitude and degree of skill required of the police officer are strong factors in the efficient and safe operation of a police motorcycle. The Hobbs Police Department recognizes that a motorcycle used in law enforcement duty is not operated in the same manner as a recreational motorcycle. The Police Department emphasizes a high degree of professionalism.

- A. New officers assigned to the motorcycle unit will be required to successfully obtain a "Class W" motorcycle endorsement on their driver's license prior to operating a motorcycle.
- B. As assigned by the department, all motorcycle officers will attend and successfully complete a course in police motorcycle operations, as soon as possible.

**VI. CARE OF THE POLICE MOTORCYCLE**

- A. Motorcycle officers will insure that their assigned motorcycle is in good operating condition at all times. Any motorcycle in need of repair will be taken care of promptly by an authorized mechanic.
- B. Motorcycle officers will be responsible for the appearance of their assigned vehicles. The motorcycle will be cleaned and waxed at all times and a garage, shed, or other adequate facility will be used to provide security and protection from the weather.

**VII. MOTORCYCLE OFFICERS**

A motorcycle officer's appearance, more so than any other officer on the department, is critical, and it is his duty to maintain the highest levels of professionalism. A motorcycle officer's uniform and boots are always in full view. The boots will be highly shined and faded uniforms should be replaced as soon as possible.

## **CHAPTER 7**

### **CRIMINAL INVESTIGATION DIVISION**

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## **CHAPTER 7**

### **CRIMINAL INVESTIGATION DIVISION**

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**CRIMINAL INVESTIGATION DIVISION**

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**I. STATEMENT OF PURPOSE**

The Criminal Investigation Division's goal is to thoroughly investigate reported criminal offenses and arrest persons responsible for the commission of these crimes. Officers assigned to the Criminal Investigation Division are non-uniformed personnel, who investigate, prepare case reports, arrest warrants, search warrants, make arrests of defendants, and prepare other documents which are required for completion of assignments and presentation to the proper prosecuting authority.

**II. SCHEDULING**

- A. The schedule of investigators working within the Criminal Investigation Division will be determined by their supervisor, and posted on a monthly basis.
- B. Special assignment shifts will be assigned to work varying hours as needed for the completion of investigations or details assigned to CID.
- C. Investigators will be encouraged to periodically attend patrol briefings. This should enhance relationships and provides a method for the exchange of information.
- D. An on-call schedule shall be developed in the event that investigative personnel are needed at a crime scene during non-duty hours. On-call assignments will be distributed as equitably as possible by the Shift Commanders:
  - 1. An on-call list shall be given to the Communications Center. Any modifications to the list are provided as needed.
  - 2. A supervisor may authorize the call out of investigative personnel according to Department guidelines.
  - 3. The on-call investigator shall notify their Shift Commander when called out on major criminal investigations.
  - 4. The Shift Commander will insure a proper response to the request for assistance and provide additional personnel, as needed to respond.

**III. PRELIMINARY/FOLLOW-UP INVESTIGATIONS**

- A. General - The following sets forth guidelines which may be used in follow-up investigations:

Once a crime has been reported to the Hobbs Police Department a preliminary investigation will begin. A preliminary investigation is the initial report of an offense.

- 1. Most preliminary investigations are conducted by Patrol Services Division officers, unless conditions exist to warrant the involvement of Criminal Investigation Division personnel in the initial investigation.
- 2. During the investigation, the officer should observe all conditions, events and remarks, as well as locate and identify any witnesses.
- 3. Investigations and information obtained will follow guidelines set forth in New Mexico State



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statutes dealing with criminal law, criminal procedure and accessibility to various records keeping systems. Case law established by New Mexico and Federal courts applies to all investigations.

4. When questions arise on legal procedures, investigators should consult with supervisors and the District Attorney's Office for appropriate guidance.

**B. On Scene Investigations**

Once an investigator has been called to the location for a preliminary investigation, he is responsible for the following:

1. The investigator will take command of the scene when asked to respond to a location. The first arriving investigator will take into consideration their own safety and the safety of others when arriving at a crime scene. Once established that there is no danger to himself or others, the scene may be secured with no additional officers, investigators or supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. A log may be obtained and kept on record of personnel entering the crime scene..
2. The investigator will gather facts and evidence at the scene by use of department equipment and interview or interrogation, in an effort to establish the circumstances and perpetrator of the crime.
3. All evidence collected will be properly tagged and placed into evidence before completion of duty that day. If an arrest is made, the primary officer or the investigator will file an affidavit and/or criminal complaint to be attached to all arrest reports of the defendant. Supplemental reports will be completed and turned in for review.
4. The investigator will review and analyze all reports and complaints prepared by other officers involved in the investigation of the case during the preliminary investigation.

**C. Follow-up Investigations**

Follow-up investigations are those which go beyond the scope of preliminary and usually apply to those cases which are assigned. Included are following-up information that may lead to the identification and arrest of a suspect, property recovery and/or clearance of a reported offense.

In most cases follow-up investigations are conducted by an investigator. These investigations should be conducted in accordance with applicable department procedures, if applicable:

1. Cases will be assigned to the investigator by the CID member responsible for distribution. This distribution will be made as equitably as possible.
2. Once assigned a case, the investigator will analyze all reports prepared in the preliminary investigation.
3. The investigator will seek additional information by contacting and re-contacting uniformed officers, victims, witnesses, complainants or informants.

4. The investigator may complete a neighborhood canvass, if applicable and one was not done during the preliminary investigation. The canvass may be done in person or by telephone and completed as soon as possible.
5. Conduct additional interviews and interrogations.
6. Review applicable department records:
  - a. Arrest records/criminal history of suspects;
  - b. Jail logs;
  - c. Field interrogation cards;
  - d. Pawn shop tickets;
  - e. Computer records; and
  - f. Intelligence information.
7. Collect and submit evidence for laboratory analysis and review the results upon completion. Submit fingerprint comparisons on suspects.
8. Plan, organize and conduct necessary searches.
9. Identify suspects, have composite pictures made, show photographic and/or physical lineups for victims and witnesses.
10. Disseminate suspect information to proper department personnel and other appropriate agencies.
11. Prepare warrants.
12. Locate, arrest and question suspects. Attempt to determine suspect's involvement in other crimes.
13. Prepare the case report for presentation to the District Attorney's Office or other appropriate authority. Present all related documentation and physical evidence in court proceedings.
14. Assist the prosecuting attorney as needed. It shall be the responsibility of the assigned investigator to properly channel all pertinent case information when required to proper personnel and/or agencies.

D. Development of Information

During a criminal investigation information should be developed through a variety of accepted methods.

1. Witnesses, victims, inmates and others who could have knowledge of a crime can be interviewed. These persons can be re-contacted and re-interviewed if it is believed to be necessary and advantageous to the investigation.
2. Photographic or physical lineups may be arranged for victims/witnesses in order to identify a suspect.

3. Criminal history, intelligence, background investigations and informational records maintained by the Department may be reviewed to obtain information on suspects and offenses.
4. Records and files maintained outside the Department may be accessed to obtain information on suspects, victims, or other persons involved in a case. These sources may include:
  - a. Pawn shop files;
  - b. Drivers license files;
  - c. Vehicle registration files;
  - d. Outside law enforcement agency files;
  - e. Social Service/probation service files;
  - f. Public utility files;
  - g. Crime Stoppers programs;
  - h. Suspects or arrested persons in reference to an offense.
5. Surveillance may be conducted on suspects or at potential offense sites.
6. Undercover officers may be utilized to gain information from suspects. Sting operations and reversals may also be used to gain information.

E. Homicide Investigations

Any death, regardless of nature, shall be considered a homicide, until such evidence indicates differently.

1. The first arriving investigator will establish that the victim is in fact deceased. He will take into consideration his own safety and the safety of others when arriving at such a scene. Once established that there is no danger to himself or others, the scene will be secured with no additional officers, investigators or supervisors passing beyond the established perimeter of the scene, unless absolutely necessary. As soon as practical a crime scene log will be established, documenting the entrance and exit times of all personnel into and out of the crime scene.
2. The identity of the victim will be made as soon as possible.
3. A determination of the place of assault if other than where the body is located will be made.
4. Determination as to the time of death, through medical examination shall be made as soon as possible. The Office of the Medical Examiner will be notified as soon as possible for response to the location of the body.
5. Determine the means of death.
6. Develop information about the case from:
  - a. background, activities, and last hours of victim;

- b. Vehicle information;
  - c. Witnesses, informants, suspects
  - d. Weapon(s) used;
  - e. Connections with other crimes;
  - f. Motive and opportunity.
7. Examine evidence.
8. Exonerate innocent suspects.
9. Develop exculpatory evidence to include:
- a. Alibi;
  - b. Self-defense;
  - c. Intent;
  - d. Mental state;
  - e. Sobriety;
  - f. Criminal record of the suspect/victim; and
  - g. Criminal and mental records of victim, offender and witnesses.
10. Coordinate with appropriate agencies for traumatized family members/witnesses.
11. The shift supervisor will be in charge of coordination of all aspects of the investigation including but not limited to:
- a. Crime scene(s) processing;
  - b. Interview(s) and interrogations;
  - c. Evidence collecting and recording;
  - d. Follow-up investigations and assignments.

F. Sexual Assault Investigations

In most cases, investigations on sexual assault cases will be conducted by an investigator. These investigations shall be conducted in accordance with applicable departmental procedures. Police reports can include victim information or can be made anonymously. Anonymous sexual assault reports will include suspect information and information regarding the reported crime, but will not list any identifying information for the victim.

1. Sexual Assault Evidence Kits (SAEK)

Biological evidence from a sexual assault can be found at the scene, from the suspect, and from the victim. SAEK's are used to obtain biological evidence from victims and suspects. The kit should be done on a victim who presents within the following time frame of the assault:

- a. 120 hours for adolescents and adults
- b. 72 hours for children 12 years and younger

The following procedures will be followed for victim and suspect SAEK's:

- a. Obtain consent to search or have evidentiary search warrant for the body fluids and hair, and have these items collected from the victim. This will be done by certified, medical personnel.
- b. If the suspect is identified, obtain consent to search or an evidentiary search warrant issued for body fluids and hair, and have these items collected. This will be done by certified medical personnel.
- c. Biological material collected will be dried prior to packaging and will be stored in a cool place.
- d. Investigators are responsible for knowing what is in the kit and how it is relevant to the investigation. The kits will be opened by forensic lab personnel only.
- e. Investigators upon notice that a SAEK is available for pickup, will ensure the kit is retrieved within seven days.
- f. All kits will be submitted to a forensic lab within 30 days of receipt of the kit using the NM State Laboratories DPS Forensic Lab Evidence Receipt. The laboratory will be contacted prior to submission for DNA authorization. The SANE medical record can assist law enforcement investigation and determination of what evidence is probative. The crime lab analytics can also assist in the decision of what evidence is analyzed.
- g. Investigators will prioritize DNA testing based on mitigating factors.

2. Non-reported SAEK

A non-reported SAEK is from a victim who at the time of the examination did not want to file a police report. Investigators who are notified of this type of kit will adhere to the following practice:

- a. Follow the above procedure for SAEK's
- b. Obtain a report number from dispatch or records with the nature code listed as "Information"
- c. The report will contain the name of the facility or person the SAEK is retrieved from. There will be no listing of the unreported victim, only a unique identifying number.
- d. The report narrative will detail the date of notification from SANE, the date retrieved, date entered into evidence, and a notation that this is an unreported case.

3. Drug Facilitated Sexual Assaults (DFSA)

Drug facilitated sexual assault samples accompany SAEK's in cases where the victim reported that drugs may have been used to assist the offender in the sexual assault. Due to the nature of the samples, the following procedure will be followed:

- a. Do not log the DFSA sample with the SAEK
- b. Form SLD TOX 500 will be completed by the certified medical personnel completing the SAEK. Form SLD TOX 500 will be signed by an investigator to authorize the testing. If the DFSA is provided to law enforcement, the following procedure will be followed:

1. If DFSA is collected during evidence hours, deliver directly to an evidence technician so the sample can be sent same day to the lab.
2. If DFSA is collected outside of evidence hours, contact the on call evidence technician so it can be refrigerated. The evidence technician will send the DFSA on the next business day.
7. If the suspect is not known, have a composite picture made of the suspect from descriptions of victims or witnesses.
8. Consider a polygraph of the suspect.
9. Notify and coordinate with appropriate agencies if the victim is a child and the suspect has access to the child.
10. Coordinate with victim-witness assistance agencies for traumatized persons.

**G. Burglary/Theft Investigations**

In most cases investigations on burglary/thefts will be conducted by an investigator. These investigations will be conducted in accordance with applicable departmental procedures.

1. Ensure that all stolen property meeting established criteria is entered in the N.C.I.C. and local computers.
2. Ensure the prompt removal of items upon recovery.
3. Develop methods and means to identify suspects, make arrests, and file cases.
4. Develop informants with information for location and recovery of stolen property and to identify suspects.
5. Develop intelligence information on known suspects and their activities.
6. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.
7. Consider polygraph examinations for victims/suspects.

**H. Forgeries**

In most cases investigations on forgeries will be conducted by an investigator. These investigations shall be conducted in accordance with applicable departmental procedures.

1. Confirm that forged instruments and copies of forgery affidavits are obtained and properly logged into evidence.
2. Contact the person accepting the forged document to verify that the alleged document is the one that was actually presented and information of suspects are obtained.

3. Contact the account holder to verify information and to determine any additional information that would be pertinent to the investigation.

I. Auto Thefts

In most cases investigations on auto thefts will be conducted by an investigator. These investigations shall be conducted in accordance with applicable departmental procedures.

1. Develop informants with information for the location and recovery of stolen vehicles/vehicle parts and to identify suspects.
2. Physically locate, remove, and seize any stolen vehicles/vehicle parts discovered during an investigation.
3. Contact other law enforcement agencies having similar offenses to coordinate investigative efforts and share intelligence.

J. Outside City Limit Investigations

The investigation of a case may take an investigator outside the city limits for gathering of information.

1. Out of county investigations shall be cleared with a supervisor and proper justification given for the need to leave the county. This information shall be forwarded to the Captain.
2. Investigators working outside the city limits shall coordinate activities with the agency having jurisdiction in that area.
3. Expenses incurred while performing official functions outside the city shall be documented on the investigators assigned account ledgers, with receipts obtained. This form is to be completed and forwarded to the supervisor.
4. Investigation or surveillance resulting in the execution of a search or arrest warrant requires the notification of an appropriate supervisor. The supervisor determines if participation in the execution of a search or arrest warrant outside the city is in the Department's best interest. If so, the supervisor coordinates the warrant execution with the agency having primary jurisdiction.
5. The supervisor shall make any decision to withdraw personnel or resources from such an operation, if it is no longer in the best interest of the Department to continue.
6. The supervisor insures that the Department's procedural and operational requirements are adhered to by personnel under his supervision.
7. Deviation from this Department's procedures must be approved by the Division Captain.

K. Victim Contact

In most cases, victims of a crime have never had contact with the police on a criminal case. The

average citizen does not understand the procedure and investigative techniques or how the judicial system works. Investigators should explain the process to the victim.

1. The initial contact with the victim should occur as soon as possible upon receipt of a case. Following the initial contact investigators are encouraged to notify victims on any change in the status of their case (active, cleared, suspended, arrest made, etc).
2. Victim contacts are normally made employing one of the following methods:
  - a. In person;
  - b. Via telephone;
  - c. Letter form.

#### **IV. REPORT REVIEW**

All reports that become official record are reviewed for completeness, accuracy and offense elements.

- A. Shift Commanders shall review reports for completeness, accuracy and offense elements.
- B. If a report is determined to be incomplete, inaccurate or lacks the elements of the stated offense it shall be returned to the investigator for correction. Investigators may be required to conduct additional investigation in order to make a case presentable for filing.
- C. Cases for filing are prepared and submitted by the investigator to the District Attorney's Office for final approval.
  1. The District Attorney's Office may review and return the case to the investigator for presentation to the appropriate court.
  2. Cases accepted for prosecution that the prosecuting attorney indicates need further work are to be sent to the filing investigator. That investigator will complete corrections requested or additional investigations and submit the follow-up in a timely manner. Additional work will be checked by the shift commander.
  3. Cases not approved are returned to the investigator for correction, further work, or clearing by no prosecution on the part of the District Attorney's Office.
- D. Investigators consistently displaying deficiencies in case preparation or investigative techniques shall receive notations of such work in their personnel files by the Shift Commander. Further displays of deficiencies will be monitored by the shift commander for further corrective actions required.

#### **V. BACKGROUND INVESTIGATIONS**

A background investigation is used as an investigative tool for law enforcement purposes to determine a person's involvement in a criminal offense.

- A. Information developed in a background investigation shall be used only to substantiate or disprove the alleged involvement of a person in a criminal case.



- B. All background investigations shall be conducted in a discrete and professional manner to protect individual rights.
- C. A variety of sources may be used to obtain information including,
  - 1. Criminal history;
  - 2. N.C.I.C. and Criminal History Index (if criteria is met);
  - 3. Police Department Records;
  - 4. Bank records and credit checks;
  - 5. Medical records;
  - 6. Relatives, neighbors, business associates, known associates, etc.
- D. Any information developed for background during an investigation should be documented in a supplement report. Any information shall be released for official purposes only following the established department's confidential records release policy.
- E. Any physical records obtained may be seized as evidence and handled accordingly.
- F. Nothing in this section pertains to background investigations on candidates for employment.

#### **VI. HABITUAL/SERIOUS OFFENDERS**

Repeat and serious offenders make up a portion of offenses committed and therefore should be considered during an investigation.

- A. Habitual offenders and serious youthful offenders are those as defined in NMSA, 1978.
- B. During an investigation a variety of sources may be used to determine whether the offender is habitual. These include, but are not limited to,
  - 1. Criminal history;
  - 2. Law Enforcement Agency records.
- C. In a case where a habitual or serious offender is a suspect/offender, this information will be detailed in a supplemental report. This information may be considered confidential as established by state law and should be noted as such on the report.
- D. This information will be submitted in the Report to the District Attorney's office along with any supporting documentation.

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**I. STATEMENT OF PURPOSE**

A case management system is used to insure the proper assignment, investigation, clearance and tracking of cases referred to the Criminal Investigation Division.

**II. CASE ASSIGNMENT**

- A. The Hobbs Police Department assigns all felony reports and misdemeanor reports with a high solve ability factor for follow-up investigation.
- B. Cases assigned for investigation will be made by the investigations shift commander on duty, unless otherwise directed.
- C. Cases which are assigned are noted on the RMS Computer system.
- D. The investigator will be responsible for coordination of the investigation and seeing that all information is compiled and properly channeled. During the on-going investigation, only the investigator, his supervisors, or anyone deemed necessary by his supervisors may access the investigation file.

**III. CASE SCREENING**

- A. Cases, except those closed by the original investigating officer, are classified as "suspended further investigation." Cases pending investigation remain in this status until such time that an alternate classification has been assigned.
- B. The designated supervisor, who is assigned responsibility to screen cases, shall issue cases to investigators based upon solve ability factors.
  - 1. A decision shall be made by the supervisor whether to assign a case for investigation or change the status to "screened". This decision is generally based on minimum solve ability factors.
  - 2. Solve ability factors should assist supervisors in maximizing available resources in the investigation of potentially solvable cases and cases of more serious nature.

C. Solve ability factors

Solve ability factors are determined based upon the following criteria:

- 1. Complainant does not wish to prosecute;
- 2. Suspect arrested;
- 3. Suspect named/identified/location known;
- 4. Suspect vehicle information known/described;
- 5. Persons or major crime(s) against person/property having substantial loss;
- 6. Traceable property taken;
- 7. Witness to the offense;
- 8. Evaluation of evidence.

**IV. CASE STATUS**

- A. The investigator determines or changes the status of each case assigned. This decision is based upon information developed by, or provided to, the assigned investigator. Any change in the status of the case is made through a supplemental narrative report.
- B. Case status categories are designated as:
1. **Refusal to prosecute--Victim**  
No further actions are requested by the victim on the part of the investigator.
  2. **Refusal to prosecute--City/State/District Attorney's Office**  
The case has been reviewed by the prosecuting authority and has declined to take the matter through the court process.
  3. **Cleared by arrest**  
Defendant has been arrested.
  4. **Exceptionally cleared--referral to another agency**  
The investigation of the case was turned over to another agency.
  5. **Warrant/summons issued**
  6. **Case unfounded**  
Indicates that a case does not contain the legal elements of an offense required to meet its original classification.
  7. **Case suspended**  
Indicates that all available leads have been exhausted, but that the case has not been brought to a satisfactory conclusion. Investigative efforts may be resumed at a later date.
- C. Information on the status of a specific case is recorded, maintained and updated by the supervisor of the investigator to which the case is assigned.
- D. Supplemental reports are completed by the assigned investigator, submitted for supervisory approval, then submitted to the Records Section for processing. While all original copies of associated paperwork will be forwarded to the Records Section for maintenance, an investigator may at his discretion maintain a duplicate file of his own for investigative purposes. Upon case disposal the investigator will purge his file.
- E. The case status is noted in the RMS Case File.
- F. Victims of crimes are notified of any change in status of their case within 72 hours of the change by

the investigator/officer who is aware of the change, unless such notification would jeopardize the investigation and the shift supervisor approves. Notification may be verbal or written and shall be noted in the case records.

**V. MONTHLY REPORT**

A monthly report is the responsibility of the CID Lieutenant or designated supervisor. The report shall be completed and delivered to the CID Captain in a timely manner as requested.

The monthly report contains the following information:

- A. Total number of cases assigned investigation;
- B. Total number of cases assigned to each investigator;
- C. Total number of cases cleared by each investigator, and UCR crime class;
- D. Overall division clearance rate for the month.

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**I. STATEMENT OF PURPOSE**

An interview or interrogation is a process of interaction between law enforcement personnel and another person for the purpose of obtaining information concerning knowledge of events and circumstances about an incident. The person interviewed or interrogated may be a victim, witness, or suspect. This order establishes guidelines for an efficient and effective process of obtaining necessary information from interviews and interrogations.

**II. INTERVIEW PROCEDURES**

- A. A critical element of the interviewer's success is the amount of preparation done before the actual interview. The success of the interview depends on the investigator's observations, practices and experience.
- B. The interviewer should obtain specific background information to determine the person's credibility prior to beginning the interview.
  - a. Criminal history.
  - b. Person's relationship to the offense.
  - c. Person's relationship to other parties of the offense.
- C. Select the location where the interview is conducted. The ideal location for an interview is a controlled environment that provides privacy, comfort and convenience.
  - a. When possible the interview should be conducted in designated interview rooms in the police building.
  - b. This room should be free from outside interference or interruptions.
  - c. Weapons shall be secured in the lock box before entering the interview room unless deemed necessary by circumstances.
- D. Interviews conducted outside the police building should be conducted in comparable surroundings if available.
- E. The interviewer should present a professional appearance and be professional in manner.
- F. Pertinent information and physical evidence should not be disclosed during the interview. This helps to:
  - 1. Protect the "Rules of Evidence."
  - 2. Confirm or negate the credibility of the interviewed person.
  - 3. Insure the integrity of the interview.
  - 4. Protect against the possibility of the interviewed person being a suspect or accomplice.
  - 5. Gives the interviewer an opportunity to truly discover the knowledge of the person being interviewed.
- G. Taking notes during the interview is suggested, this aids controlling the pace and helps to insure that the interview is accurately documented.

- H. When questioning has been completed, review what has been discussed and utilize notes to insure that all information is complete and accurate.
- I. A successful interview is accomplished through preparation, skillful interviewing techniques and confirmation that the witness has provided complete knowledge of the incident.

### **III. INTERROGATION PROCEDURES**

- A. Interrogation is the act of obtaining information by asking a question or a series of questions to obtain:
  - 1. facts needed to prepare a case against a defendant;
  - 2. facts needed to take a good, legal and corroborative voluntary statement from a defendant; or
  - 3. facts which might clear the person as a suspect.
- B. Obtain all known facts regarding the case. These may come from:
  - 1. written officer's reports;
  - 2. witness statements; and/or
  - 3. accomplice statements, etc.
- C. Obtain all the information possible about the suspect to include:
  - 1. Name(s) of accomplice(s);
  - 2. Previous criminal history;
  - 3. Information on personal habits, traits, known locations, etc.
- D. Select the proper place for the interrogation. Selection criteria should be:
  - 1. Small room with no windows or telephone, free from interruptions or outside noises;
  - 2. Comfortable chairs and table or desk;
  - 3. In most cases, the interrogator and suspect should be alone. This is especially important in cases involving sex crimes, homicides, and crimes against children.
- E. All interrogations will fall into legal and constitutional aspects set forth by the State of New Mexico and the government of the United States.
  - 1. Preparations to stay with the suspect until the goal has been accomplished should be made.
  - 2. Never set time limits on the interrogation.

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### **IV. MECHANICS OF THE INTERROGATION**

- A. The arresting officer's actions and attitude at the time of arrest and in transport can have a direct bearing on the suspect's attitude during interrogation. To help make the interrogation more effective the officer should:
  - 1. Advise suspect of the charge.
  - 2. If applicable, advise the suspect of his/her "Miranda Warning."

3. Limit conversation with the suspect, unless a res gestae statement is made. Do not discuss the case with the suspect.
  4. Conduct the interrogation in a professional and honest manner.
- B. As an introduction to the actual interrogation, the interrogating officer should:
1. Assure the suspect that the officer is responsible for the suspect's case.
  2. Establish authority by using the officer's official title in the initial introduction.
  3. Inform the suspect of the matter that is going to be discussed and read the "Miranda Warning."

**V. ORAL CONFESSIONS**

- A. In order for an oral confession to be useful, some corroboration must be established or new incriminating evidence be discovered as a result of the confession.
- B. On any oral confession, go over the story several times to be sure it is not a fabrication.
- C. Make an audio and/or video tape recording of the oral confession when possible.
- D. Cautions are listed below in an attempt to avoid undue or worthless confessions.
1. Do not give the impression that you are short of time or that you are rushed. Don't look at a watch or clock frequently.
  2. Try not to lose momentum in the interrogation, even if you have to repeat questions several times.
  3. Never promise something you can't give. Obtain written agreements from the District Attorney or plea bargains when possible.
  4. Never allow personal emotions to destroy your rapport after the suspect confesses, even if the suspect admits to an offense other than the one they are being questioned about.
  5. Maintain a commanding position and do not distract the suspect's attention by unnecessary body movements/language.

**VI. CONSTITUTIONAL REQUIREMENTS**

- A. All individuals are afforded all constitutional and state rights.
- B. In order to show that the constitutional rights of an individual have not been breached, officers follow these guidelines:
1. Avoid coercion during interviews or obtaining involuntary confessions or admissions.
  2. Always inform persons of their legal rights.
  3. Provide opportunity for legal counsel.
  4. Do not delay any person's arraignment.
  5. Never participate in pre-trial publicity that would tend to prejudice a fair trial.

- C. Officers carry the burden of proof that a waiver of "Miranda Warning" was voluntary and free of coercion. The use of written rights advisement forms is always encouraged whenever possible.
- D. Inducements to cooperate in an interview are not employed, except with the prior approval of the prosecutor. No assurances are made as to what will happen during any phase of the handling of the case.
- E. The interview is immediately terminated when the person requests counsel. Arrangements are to be made to comply with the request.
- F. Security procedures are used when interrogating persons who are in custody. Officers ensure the physical safety of the officer, as well as the arrested person.
- G. All safeguards will be provided to ensure that non-english speaking and hearing impaired persons are protected in a manner that is clearly understood whenever constitutional issues become apparent through the use of qualified interpreters.

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**I. STATEMENT OF PURPOSE**

In order to facilitate the investigation and prosecution of a case, the following guidelines have been provided for the proper methods of taking a taped or written statement from a witness or a suspect.

**II. STATEMENT TYPES**

**A. Witness/victim statements**

These are taken from a witness or a victim of a criminal offense which can be used in court and is subject to discovery.

**B. Defendant statement/confession**

These may or may not be a confession to an offense taken after the suspect has been advised of the appropriate constitutional rights. It is important that all remarks made in this statement are recorded exactly as stated, either oral or written, in the words of the person making the statement.

**III. WITNESS/VICTIM STATEMENT**

**A. Recorded Statements**

1. At the beginning of the recorded statement, the following information on the person making the statement will be required:
  - a. Name;
  - b. Date of birth/age;
  - c. Home address;
  - d. Place of employment;
  - e. Telephone numbers to be reached; and
  - f. Any information of education history and language ability is always helpful in credibility of the statement.
2. If the person making the statement cannot read, or speaks a language other than English, arrangements are to be made for interpretation. This is to insure accurate documentation of the statement.
3. The recorded statement is considered part of the case file/evidenced and retained for the same period of time.

**B. Written Statements**

1. If the person making the statement cannot read, or speaks a language other than English, arrangements are made to have the statement read to the person. The reading is witnessed by another person. To insure accurate documentation of the statement, the interpreter reads the statement to the witness in a language the person understands. If the statement is correct the witness is allowed to sign the written statement.

2. The main body of the statement follows the introductory paragraph. This section contains information the witness can give on a particular offense, and the following guidelines are adhered to:
  - a. The statement should be in the past tense and in the words of the victim. Police language and the officer's words are not included. The statement should be single spaced.
  - b. The officer conducts an interview prior to beginning the formal written statement and attempts to obtain all the information the person can give on the offense in question.
  - c. Caution must be used to avoid changing the statement by omitting certain details. Only information pertaining to the offense under investigation should be documented in the statement.
  - d. Begin by asking the witness/victim to state the date, time, day of week and location from where the offense was witnessed or the person victimized.
  - e. The witness, in their own words, should give a chronological account of what they saw or heard.
  - f. Encourage the witness to remember events as accurately and completely as possible. Be careful not to lead the witness into giving information that cannot be proven in court.
  - g. At the end of the statement given, conclude the typed statement with "This statement is true and correct to the best of my knowledge and ability." Following this, type "End of statement", then type "Statement taken by \_\_\_ on \_\_\_(date) at \_ followed by typed information.
3. The person making the statement should read what has been typed and circle and initial all errors. This indicates that the witness has read the statement and that the errors were present at the time the statement was made. If the error is other than typographical the error should be corrected and the witness should verify the correction by circling and initialing.
4. Do not allow the person to sign the statement until a witness is present.
5. Each page must be signed by the person making the statement and appropriately witnessed.
6. The original statement should be logged into evidence, a copy placed in the case file and a copy given to the assigned investigator.

#### **IV. DEFENDANT STATEMENT/CONFESSION**

- A. Prior to beginning any audio/video taped or written statement from a suspect the officer must:
  1. Ensure the suspect has been made aware of his/her rights from the Miranda warning.

**CHAPTER 7**

**SECTION 4 – WRITTEN AND TAPED STATEMENTS**

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2. Insure the suspect understands the rights as read.
  3. Insure any waiver of rights is made knowingly and any taped/written statement is given voluntarily.
- B. In taped/written statements, follow the guidelines as to introduction, main body and ending of the interview.

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**I. STATEMENT OF PURPOSE**

The purpose of this policy is to establish guidelines for the use of eyewitness identifications involving show-ups, photographic identifications, and line-ups. This order details the specific technical procedures which are to be used in preparing, conducting, and presenting the results as evidence. Abiding by these procedures assures a successful lineup process.

**II. DEFINITIONS**

- A. Show-Up: The presentation of a suspect to a victim or witness in the field within a reasonable amount of time of the commission of an offense.
- B. Photographic Identification: The presentation of a photograph of a suspect to a victim or witness. This photograph shall be presented in a sequential process with Fillers. The recommended procedure is with Blind Testing.
- C. Physical Line-Up: The presentation of a group of individuals to a victim or witness for the purpose of identifying and eliminating suspects.
- D. Filler: Photos of persons who are not the suspect that are used in the process of Photographic Identification.
- E. Blind Testing: The person administering the test is an Independent Administrator who has no other involvement with the investigation. This person does not know the desired answer and by using this method the Administrator cannot influence the victim or witness' selection.

**III. SHOW-UPS**

A. Show-ups

Some courts have suppressed identification evidence based on the use of show-ups. Due to this fact, it is preferable to arrest a subject if probable cause exists and then utilize a photographic lineup. However, when circumstances require the use of show-ups, a supervisor shall be present and the following guidelines shall be followed. Patrol officers are to consult with CID prior to utilizing a show-up if time permits (for all felony offenses). All show-ups must be captured on the in vehicle video system (where practical). If the officer is unable to video or audio record the show-up the officer must articulate the reason in detail in the report.

- 1. Prior to conducting a show-up, the officer shall:
  - a. Determine and document, prior to the show-up, a description of the perpetrator. Show-ups shall not be conducted when the suspect is in a cell or dressed in jail clothing.
  - b. Officers may handcuff or keep the suspect handcuffed during the Show-up if the officer is able to articulate the reason why it was necessary. This must be explained in detail in the officer's report.
  - c. Transport the witness to the location of the detained suspect to limit the legal impact of the suspect's detention. The person stopped is to be detained for only that reasonable amount of time necessary to complete the procedure.
  - d. When multiple witnesses are involved, separate the witnesses and instruct them to avoid discussing the details of the incident with one

- another. If a positive identification is obtained from one witness through a show-up, use a photo lineup for the remaining witnesses.
- e. Caution the witness that the person he/she is looking at may or may not be the perpetrator.
  - f. The same suspect shall not be presented to the same witness more than once.
  - g. Show-up suspects shall not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
  - h. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator shall be scrupulously avoided.
  - i. Instruct the witness that a statement of certainty will be needed for both identifications and non-identifications.
2. When conducting a show-up, the officer shall:
- a. Document the show-up in a written report
  - b. Explain the procedures to the witness
  - c. Document the time and location of the procedure
  - d. Document the distance the person fitting the description is from the crime scene at the time he/she is stopped
  - e. Record both identification and non-identification results in writing, including the witness's own words regarding how certain he/she is
  - f. In the event the witness does not identify the person detained, the officer detaining the potential suspect should record the identity of the person detained on a Field Interview Card or other appropriate report

#### IV. PHOTOGRAPHIC IDENTIFICATION

##### A. Sequential Photographic Lineups

A sequential photographic lineup is the structured presentation of six photographs containing a recent photograph of the suspect plus photographs of other persons of similar appearance to be shown to a victim or witness for the purpose of identifying or eliminating the suspect as the perpetrator. A sequential photographic lineup is six (6) photos that are presented one photo at a time to the victim or witness. Preferably, photo lineups will be conducted at a Department Facility where it can be video/audio recorded. When circumstances prevent a witness from coming to a Department Facility, or when the video equipment is out of service, an audio recording of the lineup proceeding will be made.

- 1. In composing a lineup, the officer shall:
  - a. Each photo will be individually numbered
  - b. Include only one suspect in each identification procedure
  - c. Select fillers (non-suspects) who generally fit the witness's description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description provided differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.

- d. If multiple photos of the suspect are reasonably available to the officer, select a photo that resembles the suspect's description or appearance at the time of the incident.
  - e. Include a minimum of five fillers per identification procedure
  - f. Consider that complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.
  - g. Whenever possible, avoid mixing color and black and white photos, use photos of the same size and basic composition, and never mix mug shots with other snapshots or include more than one photo of the same suspect.
  - h. Cover any portions of mug shots or other photographs that provide identifying information on the subject, and similarly cover those used in the lineup.
  - i. Show the lineup to only one witness at a time
  - j. Never make suggestive statements that may influence the judgment or perception of the witness.
  - k. Preserve the lineup together with full information about the identification process, for future reference, including the presentation order of the photo lineup (if applicable). In addition, the photos themselves should be preserved in their original condition and placed into evidence with a photocopy included in the case file.
  - l. Consider placing suspects in a different position in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly in the lineup.
  - m. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness
  - n. Ensure that no writings or information concerning the previous arrest(s) will be visible to the witness
  - o. View the lineup, once completed, to ensure that the suspect does not unduly stand out
2. When presenting a photo lineup, the officer shall:
    - a. Provide viewing instructions
    - b. Confirm that the witness understands the nature of the lineup procedure
    - c. Avoid saying anything to the witness that may influence the witness's selection
    - d. Record any identification results and have the witness sign the photo, and the witness's statement of certainty
  3. Document in writing the photo lineup procedures, including:
    - a. Identification information and/or sources of all photos used
    - b. Names of all persons present at the photo lineup
    - c. Date and time of the identification procedures

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*Note: Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.*

4. When documenting an identification procedure, the officer shall:
  - a. Record both identification and non-identification results in writing, including the witness's own words regarding how sure he/she is
  - b. Ensure that the results are signed and dated by the witness
  - c. Ensure that no materials indicating previous identification results are visible to the witness
  - d. Ensure that the witness does not write on or mark the materials that will be used in other identification procedures

#### **V. PHYSICAL LINEUP**

Physical Photographic Lineups are generally impractical due to logistical reasons because they may necessitate the presence of the suspect's attorney, and require the procurement of at least five persons (generally prisoners or police officers) similar in appearance to the suspect. Therefore, they are discouraged as a suspect identification technique.

If a live lineup is necessary in a particular case, the procedure must be coordinated with the Prosecutor's Office.

#### **VI. BLIND TESTING**

The person administering the test is an Independent Administrator who has no other involvement with the investigation. This person does not know the desired answer and by using this method the Administrator cannot influence the victim or witness' selection.

*NOTE: The use of Blind Testing is to be used when at all possible. Due to the nature of certain investigations it may be difficult to find someone who has no knowledge of an investigation and or potential suspects. If a Blind Test is completed the procedures will be followed as explained under the Sequential or Simultaneous Lineup section. The Administrator will document their involvement in written format.*

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**I. STATEMENT OF PURPOSE**

It must be recognized that the polygraph technique is no substitute for a complete and thorough investigation. The technique can be helpful in supplementing the investigation, and saving valuable man hours and expenditures if utilized during certain phases of the investigation. It should never be used to circumvent an investigation.

Polygraph examinations should be available to officers as a tool for case investigation; for pre-employment investigations as a means to verify background information and detect criminal activity; and to the Chief of Police for Internal Affairs Investigations.

**II. GENERAL POLICY**

- A. The tested person shall be told that the test must be voluntarily taken, and that he cannot be made to take the test, except under a lawful court order requiring the taking of a polygraph examination in which the person to take the test is named.
- B. The person shall be informed the test will take from 2 - 4 hours. He shall be told that as a condition of voluntariness he will refrain from using any alcohol or drugs, unless prescribed by a physician, for 24 hours prior to the examination, and that a question may be asked during the examination pertaining to his non-use of drugs or alcohol during the past 24 hours.
- C. The person tested should wear a short sleeved, loose fitting, shirt and casual loose fitting slacks or trousers, if possible.
- D. Persons with any physical or psychological abnormality or ailment will be tested at the discretion of the examiner performing the examination.
  - 1. Any person that exhibits a condition indicating pain or discomfort, mental or physical, shall not be tested.
  - 2. Pre-existing coronary conditions shall require a doctor's release.
  - 3. Pregnant women will normally not be tested, and if tested, only upon a physician's release.
- E. No polygraph examination shall be given:
  - 1. to any person under 18 years of age unless he and his parent/ guardian have signed a polygraph waiver prior the examination being given (Any person under 14 years of age shall not normally be polygraphed.);
  - 2. to any employee/member of the Hobbs Police Department unless such examination is specifically directed by the Chief of Police, and only after the completion of a thorough investigation by appropriate authority;
  - 3. to subjects when the requesting individual is not directly affiliated with a law enforcement or judicial agency.
- F. The polygraph examiner will make the final determination as to whether or not a subject will be administered a polygraph examination.



- G. All polygraph examinations will conform to Rule 707 (Rules of Evidence, 11-707).
- H. Under no circumstances will any attorney or other person be present while the examination is being performed, with the exception of an interpreter.

### **III. CRIMINAL INVESTIGATIONS**

To avoid indiscriminate use of the polygraph and ensure quality case evaluations, the following guidelines have been set for investigative personnel:

- A. They shall personally meet with the polygraph examiner before scheduling an examination so the examiner's caseload can be checked and/or adjusted. Scheduling shall be done as personnel, time constraints, and other considerations dictate.
- B. They provide the examiner with all of the reports, supplements, and any additional information available pertaining to the case at hand and the person to be examined, including a criminal history on the person.
- C. They shall personally meet with the polygraph examiner and discuss the merits of the case and "targets" to be addressed at least 2 days prior to the examination being performed. Only one crime or specific issue will be dealt with during any one examination. At no time will the phrasing of any test questions be posed to the examinee, by anyone other than the examiner.
- D. In all cases, investigators should withhold from suspects all pertinent information believed to be known only to the victim(s) or person(s) with guilty knowledge. Examples: type of weapon used, caliber of weapon, exact amount of money stolen, the words spoken by the victim or perpetrator, exact route taken, or any information known only to those present at the scene of the crime.
- E. Investigators shall be available in the office while the examination is being performed.
- F. The case investigator will be responsible for having the subject present at the appointed time.
- G. Under no circumstances will the results of any polygraph examination be the sole criterion for determining the guilt or innocence of any person.

### **IV. PRE-EMPLOYMENT**

- A. Pre-employment Polygraph Examinations shall be performed upon candidates competing for positions within the police department.
- B. Any information that is obtained during the examination and deemed significant and/or important by the examiner should be included in the polygraph report that is to be placed in the applicant's personnel file
- C. Under no circumstances will the results of any polygraph examination be the sole criterion for the refusal to hire or the hiring of any person.

### **V. INTERNAL AFFAIRS INVESTIGATION**

Only the Chief of Police may order an employee to submit to a polygraph examination administered by a

licensed polygraph examiner, provided that:

- A. all other reasonable investigative means have been exhausted; and
- B. the officer has been advised of the reasons for ordering the polygraph examination. (29-14-5 NMSA 1978)

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**I. STATEMENT OF PURPOSE**

The responsibility for vice, drugs and organized crime investigations rests with members of the Criminal Investigation section of the Investigative Services Division. While the Department participates with the Lea County Drug Task Force, it also realizes that officers of this Department have a responsibility to identify and investigate acts of controlled substance violations, identifying violators and activities in the City of Hobbs and maintaining a liaison between the Lea County Drug Task Force and other agencies. On an annual basis the Department will evaluate the results of their participation in the Lea County Drug Task Force and renewal of the agreement.

**II. DEFINITIONS**

- A. Vice: may involve prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic materials.
- B. Drugs: focuses on the distribution/sale of illegal and controlled substances.
- C. Organized Crime: address unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, or other offenses for profit, or engage in supplying illegal goods and services, prostitution, drugs, liquor, weapons, or other unlawful conduct that may include intimidation or corruption.

**III. PROCEDURES**

- A. When information is received from any source, an intelligence information report will be completed. A copy of this form will be assigned to an investigator as any other report and any investigations will be documented, either on the intelligence form or a crime report. This follow-up information will be attached to the original form which will be maintained on file in the Criminal Investigations Sergeant's Office.

All reports on active vice, drug and organized crime investigations will be securely filed and maintained separately from central records until such a time the case is considered closed, either through an arrest or issuance of a warrant. At that time the case file will be transferred to central records.

The Chief of Police will be kept apprised of any activity regarding vice, drugs or organized crime investigations.

- B. All Detectives will be trained in field testing of various suspected narcotics.
- C. The Detective assigned to a case will be responsible for making a decision if the investigation should be turned over to either the Lea County Drug Task Force or another agency. This decision may be based upon the nature of the crime, availability of resources and time. The criteria for this decision will be detailed in a supplemental report.
- D. The Detective assigned to the case will be responsible for testing all narcotics placed into evidence.
- E. The Captain of Investigations or his designee will also be responsible for conducting narcotic destructions in conjunction with the Evidence Technicians.

- F. Information determined to be necessary for patrol operations is disseminated at patrol briefings as soon as possible.
- G. All narcotics related reports will be forwarded to the Lea County Drug Task Force.
- H. When necessary, during an operation, officers may be provided with alias identification through the Criminal Investigations Lieutenant. The Criminal Investigations Lieutenant maintains all records on alias identification.
- I. Investigators will ensure that prior to obtaining arrest warrants or search warrants the elements of the crime have been met, as written in the New Mexico State Statutes. If an investigator is unsure if the criteria has been met he will seek assistance from the Assistance District Attorney's Office.

#### **IV. SURVEILLANCE EQUIPMENT**

- A. The Department maintains specialized equipment that can be used to support special investigations such as:
  - 1. Visual monitoring equipment;
  - 2. Surveillance vehicles;
  - 3. Audio transmitters and recorders;
  - 4. Portable radios;
  - 5. Mobile tracking equipment
- B. None of this equipment is used without prior knowledge of a Criminal Investigation supervisor, with the exception of the wire tap equipment which is utilized only with the permission of the Chief of Police and in accordance with Federal guidelines.
- C. A sign-out log monitoring the use of any of the above listed equipment is completed.

#### **V. SURVEILLANCE OPERATIONS**

- A. Organized surveillance operations may be conducted in the normal course of an investigation.
- B. When an investigator believes that surveillance would aid an investigation, he will contact his supervisor with all pertinent information and the supervisor will then take control of any surveillance operation.
- C. Personnel are responsible for analyzing victims, crimes and locations to determine necessary facts to enhance the likelihood of success for the operation. Identifying and analyzing suspects may be accomplished by police reports, intelligence information, patrol observation.
- D. Officers should familiarize themselves with the target area when possible. Items of importance could be location and type of buildings, street layouts, type of populations and size of the area.
- E. The following equipment should be available:
  - 1. Weapon(s);

2. Handcuffs;
  3. Portable radio(s); and
  4. Police insignia.
- F. For an extended operation, the supervisor should provide an adequate relief schedule and food for officers.

**VI. UNDERCOVER OPERATIONS**

- A. When undercover operations are conducted a code name will be assigned to the operation for recording purposes.
- B. Informants, citizen complaints, intelligence information, patrol observations and other information sources are used to identify and analyze suspects.
- C. Undercover contacts may be made using an informant who introduces the suspect to the undercover officer. The officer can then frequent areas where the illegal activity takes place. When possible, other officers should become familiar with the neighborhood or target area before the operation takes place.
- D. An officer may be provided with alias identification when necessary. The Criminal Investigation Lieutenant maintains all records on alias identification and is responsible for release of any information in that regard.
- E. The Criminal Investigation Lieutenant determines what safeguards should be established for the particular operation.
- F. Department personnel should not approach, or in any way identify an undercover officer as a police officer in the event of contact.
- G. If any Department employee becomes aware of an undercover operation or the identity of any officer involved, they will not discuss any information obtained unless specifically asked by a supervisor.
- H. The Criminal Investigation Lieutenant determines the amount of supervision necessary for the operation. This decision is based on type and length of the operation, number of personnel involved and experience/training of personnel.
- I. Specific operational procedures for arrests are determined by the Criminal Investigation Lieutenant. This includes coordination of arrests, providing for adequate backup officers and for the collection of evidence.
- J. The City Attorney and District Attorney should be consulted on legal ramifications arising from the operation.
- K. During the course of an operation all records will be maintained separately from central records. A sequential numbering system will be assigned each offense in the following way:
1. Last two digits of the Year;

2. Initials of the name of the operation;
  3. Month of occurrence;
  4. Sequential case number.
- L. Any evidence which needs to be tagged and logged may use the above mentioned number.
- M. At the completion of the operation a block of crime report numbers is acquired from the Records Section and the reports are then filed in the central records system.
- N. Prior to an undercover operation beginning, the Criminal Investigation Lieutenant will ensure that any undercover officer has met minimal standards of training including firearms qualifications, use of force, search and seizure, field testing of narcotics, criminal law and courtroom testimony as set by Department policy.
- O. The Criminal Investigation Lieutenant will ensure that the Division Captain and Chief of Police are kept abreast of any developments by reporting such on at least a monthly basis.

#### **VII. RAID OPERATIONS**

- A. Raid operations may be defined as the execution of any search warrant, service of arrest warrants in high risk situations or the execution of arrest warrants as the result of undercover operations.
- B. The case investigator is in charge of on-scene operations and is responsible for conducting a briefing for the purpose of making position assignments and informing participants of any potential hazards, etc.
- C. Strategies for the raid should include, but not be limited to:
1. Specific personnel assignments to cover all entrances and exits from the target area.
  2. Specific personnel assignments for the entry team and for suspect security.
  3. Specific information such as target address, suspect information and proper radio channel is known to all raid team members. Telecommunications will be advised of the channel which will be utilized by raid team members.
- D. Video of execution of search warrant
1. The case investigator in charge will make arrangements for the assignment of personnel to video tape the entry and execution of the search warrant, if it is safe to do so. The location/scene will be video taped during any evidence collection and at the conclusion of the search warrant to record any damage which may have occurred during the execution of the warrant. Photographs of any damage will be taken along with all evidence prior to collection. The video tapes and photographs will be placed into evidence accordingly. The exception to this requirement would be for warrants executed at financial institutions or hospitals.
- E. All members of the entry raid team shall wear protective body armor, insignia which clearly identifies them as a police officer and a weapon. Other equipment which should be readily available is:

1. Handcuffs;
  2. Portable radios;
  3. Specialized equipment.
- F. When entry has been made, designated officers will receive specific areas to search depending on the scope of the warrant. All contraband and evidence is secured by a designated evidence officer. Search team members use reasonable care to minimize property damage.
- G. The Communications Center is made aware of the location and participants.
- H. When executing warrants in another jurisdiction, the appropriate law enforcement agency is contacted for assistance.
- I. Once the entry team announces their intent and there is no response within a reasonable amount of time or the team believes evidence is being destroyed, the team is authorized to use reasonable force to gain entry. If the suspects resist, officers are authorized to use reasonable force to protect themselves or others from death or serious injury. The pointing of a weapon, as a use of force, would require specific, articulable facts that would merit that use of force. This does not prevent the officer from having his firearm at the low ready position.
- J. If an officer, suspect or other person is injured, medical aid is summoned as soon as possible. The Division Captain is notified and appropriate documentation of the incident is made.
- K. All suspects are brought to a specified area and secured by the cover team. The suspects are provided with a copy of the search warrant. Arrested persons are transported to the Hobbs Detention Facility.

#### **VIII. METHAMPHETAMINE LABS**

Methamphetamine labs have an inherent danger not generally associated with illicit narcotic operations. This danger is due to the processes and chemicals used for the manufacture and production of methamphetamine.

- A. If a Hobbs Police Department officer unknowingly locates a possible methamphetamine lab, he/she should immediately exit the structure and notify a detective and a member of the Lea County Drug Task Force. The Task Force has personnel who have specific training and equipment to deal with potential methamphetamine labs.
- B. Members of the Hobbs Police Department, who are not trained for the containment or proper handling of methamphetamine labs, will not enter a location where there is a suspected methamphetamine lab. Hobbs Police Department personnel will not be involved in the searching or collection of physical evidence from suspected methamphetamine labs.
- C. Members of the Hobbs Police Department will provide perimeter security as needed.

**I. STATEMENT OF PURPOSE**

The purpose of this policy is to provide regulations for the control and use of confidential informants (CI).

**II. POLICY**

In many instances, a successful investigation cannot be conducted without the use of CIs. While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the officer utilizing the informant. Therefore, it shall be the policy of this police department to take necessary precautions by developing sound informant control procedures.

**III. DEFINITIONS**

**A. Confidential Informant (CI)**

1. A person who provides confidential information, on a continuing basis, about another person who is suspected of violating a criminal statute; or
2. A person who habitually associates with suspected criminals and provides information to a law enforcement officer for compensation, some other consideration, or personal motivations; or
3. A person who sometimes obtains information at the direction of a police officer or acts as an agent of an officer.

**B. Unreliable Informant**

An individual who has been determined to be unreliable as a source of information.

**C. Good Citizen Informant**

1. A person who provides information, on a limited or occasional basis, concerning criminal activity but requests to remain anonymous for whatever reason; and
2. A person who does not receive any compensation or other consideration for providing the information.

**D. Witness**

A person whose testimony is desired on any proceeding or investigation by a grand jury, prosecutor or defense.

**E. Juvenile**

A person under the age of eighteen (18) years of age.

**IV. PROCEDURES**

**A. Establishment of an Informant File System**

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1. The Criminal Investigations Division Lieutenant, or his designee, shall be responsible for developing and maintaining master informant files and an indexing system.
2. A file shall be maintained on each CI used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information. This control number shall be referenced in all reports in which the CI has provided assistance.
  - a. Informant's name;
  - b. Name of officer/detective initiating use of the informant
  - c. Informant's photograph, fingerprints, NCIC check, III check for employment purposes, and local criminal history record;
  - d. Brief description of information provided by the CI and its subsequent reliability, unless it is documented in a report which is referenced to the CI. This information will be accessed by cross referencing the crime report number listed on the informant's pay record. The actual crime report will not be included in the informant file unless deemed necessary by the Criminal Investigations Supervisor.
  - e. Signed informant agreement.
3. Informant files shall be maintained in a secured area within the Criminal Investigations Division.
4. The informant file shall be utilized in order to:
  - a. Provide a source of background information about the informant;
  - b. Provide a complete history of the information received from the informant
  - c. Enable review and evaluation by the appropriate supervisor of information given by the informant; and
  - d. Minimize incidents that could be used to question the integrity of investigators or the reliability of the CI.
5. Access to the informant files shall be restricted to the Chief of Police, the Captain of Investigations or their designee.
6. Sworn personnel may only review an individual's informant file upon approval of the Captain of Investigations or the Chief of Police. The requesting officer shall submit a written request explaining the need of the review. A copy of this report, with the officer's name, shall be maintained in the CI's file. This file review will in no way be construed as authority to contact the informant in reference to any information contained in this file, without express written approval of the Chief of Police or the Captain of Investigations.

**B. Use of Informants**

1. Before using an individual as a CI for the first time, an officer/detective must receive initial approval from a Criminal Investigations supervisor authorized to make this approval.
2. The officer shall compile sufficient information through local and state databases and via a background investigation in order to determine the reliability and credibility of the individual.
3. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.
4. All persons determined to be unsuitable for use as a CI shall be referenced in the informant file and on the master file as such. Comments shall be placed in the informant file as to the cause for unreliability. Any officer/detective who becomes aware of unreliable or unsuitable actions by an informant shall report it to the Criminal Investigations Lieutenant.

**A. General Guidelines for Handling CIs**

1. All CIs are required to sign and abide by the provisions of the Hobbs Police Department Informant Agreement. The officer/detective utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following;
  - a. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures and may not carry a weapon;
  - b. Informants will be arrested if found engaging in any illegal activity and they will receive no special legal considerations from the police department;
  - c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs where the informant encourages, persuades or otherwise motivates a person to engage in criminal activity.
  - d. Informants shall not be promised nor afforded protections or special privileges not available to all citizens.
  - e. Informants will acknowledge an understanding of the potential dangers of acting as an informant and hold the City of Hobbs and the Hobbs Police Department harmless for any injury or loss incurred as a result of engaging in informant activities.
2. No member of this agency shall knowingly maintain a social relationship (social dating, personal intimacy, etc.) with CIs while on or off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit, accept gratuities or engage in any private business transaction with a CI.
3. Whenever possible, an officer/detective should be accompanied by another officer when meeting with a CI.

4. Juveniles should not be utilized as CIs unless a parental/guardian release is signed and notarized. This agreement must be approved by the Captain of Investigations. It shall be the practice of the Hobbs Police Department to avoid the use of juveniles as confidential informants if other avenues are available to pursue the investigation. Juvenile informants will not be used on a paid basis.

**V. INFORMANT CONTRACT**

A signed and witnessed informant agreement shall be initiated prior to any use of, or payments to, a confidential informant.

**VI. PROCEDURES FOR WORKING INFORMANT**

- A. No personal relationships with informant;
- B. Determine, if possible, the informant's motivation for desiring to work as a confidential informant;
- C. Corroborate the informant's information with other sources when possible;
- D. When meeting with informants, the officer's immediate supervisor should be advised of the meeting when possible. When meeting with an informant of the opposite sex, another officer must be present;
- E. Do not make promises that cannot be kept;
- F. Never tell an informant something which is not public knowledge unless absolutely necessary;
- G. Confidential informants should be advised that a judge can order their identities to be revealed and they may be required to attend an AIn-camera@ hearing with the judge, or a subsequent criminal trial if their testimony is necessary.

**VII. CRITERIA FOR PAYING INFORMANTS**

- A. Payments made to confidential informants should be commensurate with the value of the information and/or assistance provided.
- B. All payments to confidential informants are documented and signed by both the informant and the officer/detective. These records are reflected in the informant's file as well as on the "Contingency Fund Expenditure Report."
- C. When a payment is made, this payment will be witnessed and signed off on by an additional officer.

**VIII. INFORMANT ANONYMITY**

- A. The names and identities of informants remain confidential and are restricted to those with a need to know for the furtherance of an investigation and to anyone else only upon the written permission of the Chief of Police or his designee.
- B. In order to maintain this anonymity the following applies.

1. Access to informant files is strictly controlled.
  2. Informant files are indexed by code number.
  3. Meetings with informants are to be arranged in inconspicuous places.
- C. For identification purposes in investigative reports, the informant's code number shall be used.
- D. The name of the informant will not be released without the permission and prior knowledge of the Chief of Police or his designee.

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**I. STATEMENT OF PURPOSE**

The purpose of this section is to provide clear and concise procedures that regulate the use of the confidential fund and the documentation of forfeitures of seized property through the District Court.

**II. CONTINGENCY FUND**

This fund consists of monies that are allocated for the purchase of evidence, payments to informants, and payments to officers. Each investigator may be provided with an allotment from which they may disperse within the scope of its designated use. This fund is designed to be used for the following:

**A. Purchase of evidence**

This category is for the purchase of evidence and/or contraband such as narcotics and dangerous drugs, firearms, stolen property, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.

**B. Payment to informant**

This category includes the payment of monies to an informant for information concerning criminal activity. All other informant expenses are classified under payments to officers.

**C. Payment to officer**

This category includes travel or transportation of an officer or an informant; the lease of an apartment, business front, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment and similar expenses for undercover purposes, within reasonable limits.

**D. Miscellaneous Expenses**

This category covers any and all other expenses for the effective operations as designated by the Chief of Police.

**III. RESPONSIBILITIES**

**A.** The Criminal Investigations Sergeants and Lieutenant are responsible for disbursement of funds from the contingency fund checkbook and maintains accurate accounting records. Funds shall be maintained in a secured area in the Criminal Investigation Lieutenant's office. Only the Criminal Investigation Lieutenant and Sergeants have access to this area.

**B.** In order to provide a system of checks and balances, the Criminal Investigation Lieutenant is responsible for a monthly recap and summary of the disbursements and documentation of each investigator who receives an allotment and the fund ledger sheet. Monthly reports are compiled and submitted to the Division Captain.

**C.** In the absence of the Criminal Investigation Lieutenant, the Criminal Investigation Sergeant is responsible for all disbursements and accounting transactions.

- D. Each investigator assigned to Criminal Investigations may receive an allotment of monies to be used under the guidelines of this policy. They are required to account for this disbursement on a monthly basis.
- E. Any request for disbursement of funds should be made to the Criminal Investigation Lieutenant or Sergeant's.
- F. A ledger sheet is maintained in the Criminal Investigations Lieutenant's office and is not removed from the office area.
- G. The exchange of disbursed monies between investigators is acceptable only on a restricted basis. It is the responsibility of both the investigators to maintain accurate records to insure proper accountability of the monies.
- H. Accounting records are maintained for each fiscal year which starts July 1 and concludes on June 30 of the next year. At the end of the fiscal year, the Criminal Investigations Lieutenant gathers the funds from the investigators and balances the account. The funds are deposited in the contingency account. The funds are then reissued out to investigators. These records are bound and maintained for a minimum of seven calendar years.

#### **IV. INFORMANT PAYMENTS**

- A. Prior to making payment to an informant, an informant file should be prepared, and an informant number assigned.
- B. The amount of payment should be commensurate with the value of services and/or information provided. Payments for information leading to a seizure, with no defendants, should be held to a minimum. Payments should be based on the following factors:
  - 1. The level of the targeted individual, organization or operation.
  - 2. The amount of the actual or potential seizure.
  - 3. The significance of the contribution made by the informant to the desired objectives.
- C. A receipt is required with the exact amount paid to and received by the informant. Cumulative or anticipatory receipts are not permitted.
- D. Informants are required to acknowledge, by signature, any payment made to them. There should be at least one other witness.
- E. As payments are made to an informant, the investigator is responsible for keeping accurate records.

#### **V. MISCELLANEOUS PURCHASE**

- A. Stolen Property Purchases

Expenditures for the purchase of stolen property are handled in the same manner as narcotics purchases.

**B. Other Expenditures**

Expenditures for food, alcoholic and non-alcoholic beverages and other items which may be necessary must be accompanied by a receipt, when possible and entered on the investigators ledger. The investigator's name, and if applicable, case number of informant number should be placed on all receipts for miscellaneous investigative expenditures. The Criminal Investigations Lieutenant verifies all expenditures on a monthly basis.

**VI. APPROVAL, AUDIT AND REPORTS OF EXPENDITURES**

**A. The Criminal Investigation Lieutenant must approve, in advance the following:**

1. Drug or stolen property payments in excess of \$300,
2. Single investigative expenses in excess of \$25, or
3. Single informant payments in excess of \$100.

**B. The Investigative Services Division Captain must approve, in advance, payment to informants in excess of \$1,000.**

**C. The receiving investigator signs for any receipt of funds.**

**D. The Criminal Investigation Lieutenant maintains the file of disbursement reports.**

**E. A disbursement report, accounting for the expenditure of funds from the previous disbursement and showing a current balance, is submitted to the Criminal Investigation Lieutenant for audit purposes monthly.**

**VII. FLASH ROLL**

The purpose of showing a drug trafficker money during an undercover operation is to assure him that the undercover officer is financially capable of purchasing the narcotics being offered for sale. This practice is commonly referred to as a 'flash roll'. The following procedures will be adhered to when using a flash roll.

**A. Any flash roll will be used under the direct supervision of a Criminal Investigation supervisor.**

**B. Money used from the flash roll made be xeroxed and a copy submitted for evidence before using the money. This procedure may be used in the case of a search warrant or a 'buy-bust' investigation, among others.**

**C. No portion of the flash roll should be loaned to any other agency without prior approval from the Division Captain. When money is loaned to another agency, a representative of the Department accompanies the agency on the operation.**

**D. Money used from the flash roll is returned to the bank within 24 hours of its use.**

**E. If the amount needed for the flash roll exceeds the available amount in the contingency fund, the Chief of Police may access additional funds for temporary use through the City Finance Director.**

**VIII. INVESTIGATING LOSS OF MONIES**

- A. Any loss of money, whether from the flash roll or from an investigator's allotment shall be reported immediately to the Division Captain through the chain of command and a detailed written memorandum submitted.
- B. An appropriate investigation shall be conducted by the shift supervisor as required by the circumstances of the incident which may result in an Internal Affairs investigation.
- C. Reimbursement to an investigator will be made on a case-by-case basis.

**IX. FORFEITURES OF SEIZED PROPERTY**

Seized property that is subject to forfeiture is pursued in accordance to federal and state law.

- A. Forfeiture cases are filed through the District Court. Forfeiture documents are completed by the assigned investigator.
- B. The completed forfeiture documents are submitted for supervisory approval. A copy is maintained with the case report while the original is submitted to the Office of the District Attorney.
- C. The seized property is held by the custodian pending final disposition by the court.
- D. If seized property is acquired by the Department pursuant to all required legal proceedings, its disposition for Department use must be approved by the Chief of Police.

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**I. STATEMENT OF PURPOSE**

This policy establishes procedures which should be followed when processing and collecting evidence at a major crime scene. All of the following methods are available to officers investigating crimes to assist in the identification of the offender(s) and prosecution of the case. If an investigator does not have the equipment to perform these functions in their unit, he can utilize the equipment kept in the crime lab. Unless otherwise instructed, these procedures should be completed only by trained members of the Criminal Investigation Unit or the Crime Scene Unit.

**II. MAJOR CRIME SCENE**

- A. The Crime Scene Unit will be notified to respond to all major crime scenes and/or investigations with multiple crime scenes by the on-scene investigator. The necessity to call for the response of CSU for minor crimes with a single crime scene is at the discretion of the investigating officer.
- B. At a major crime scene, the following steps should, when possible, be completed to document the crime scene.
  - 1. Photograph the scene;
  - 2. Video the scene;
  - 3. Mark the evidence;
  - 4. Diagram the scene;
  - 5. Collect the evidence.

**III. PHOTOGRAPHS/VIDEOGRAPHY**

- A. At a major crime scene, a search will not commence until it has been photographed. The Detective or Crime Scene Technician (CST) shall photograph the crime scene in a manner that produces a clear, undistorted photo that does not misrepresent or visually alter the scene in any way.
- B. When appropriate, the following photographs should be taken:
  - 1. Over view - These photographs show the scene of the crime and its surroundings and may be used to orient the court to the scene in question.
  - 2. Medium view - These photographs show specific objects and contain sufficient detail to associate them with the nature of the crime.
  - 3. Close-up view - These photographs are of individual items, the victim, results of the crime or evidence created by the criminal.
- C. Photographic procedures for each crime scene differ based on the conditions present at the scene. The following procedures are basic and should be addressed whenever photographs are taken.
  - 1. Exterior Crime Scene
    - a. Establish the location of the crime scene by taking a photograph of something that is relative to the crime;

- b. Take medium distance photographs to record the relative positions of closely related items of evidence;
  - c. Take close-up photographs of individual items of evidence (with a scale or other device, when necessary).
2. Interior Crime Scene
- a. Establish the location of the crime scene by taking a photograph of something that is relative to the crime;
  - b. Photograph rooms and other interior areas from typical observation points to show relative positions of all items and furnishings within the area.
  - c. Take medium view photographs to show relative positions of closely related items of evidence;
  - d. Take close-up photographs of individual items of evidence (with a scale or other device, when necessary).
- D. Video tapes may be used to supplement still photographs. When used, the audio should be muted.
- E. Upon completion of the crime scene investigation, the film will be processed according to Department procedure, tagged and placed into evidence.
- F. Upon completion of the crime scene investigation, the video tape should be secured to ensure the integrity of the evidence. It should be packaged according to Department procedure, tagged and placed into evidence.

#### **IV. DIAGRAM**

- A. Crime scene diagrams should be preceded by crime scene photographs.
- B. The diagram should include:
- 1. Dimensions;
  - 2. Relation of the crime scene to other buildings, geographical features and/or roads;
  - 3. Address;
  - 4. Location of significant features of the scene, including the victim;
  - 5. Date and time of preparation;
  - 6. Name of person preparing the diagram;
  - 7. Direction of north;
  - 8. Locations of items recovered as physical evidence;
  - 9. If not to scale, so state;
  - 10. Sufficient information so that a final drawing to scale can be completed if necessary.

**V. FINGERPRINTING**

- A. The lifting or preserving of latent fingerprints is the responsibility of the assigned Detective or CST.
- B. Items containing suspected fingerprints which are not processed at the scene are packed in a protective manner and taken to the crime lab for processing. This decision rests with the Detective or CST.
- C. Prior to being lifted fingerprints may also be photographed at the discretion of the Detective or CST.
- D. The following information should be documented on the back of the latent print card:
  - 1. Report number;
  - 2. Date of recovery;
  - 3. Initial or name of recovering Detective or CST;
  - 4. Location of recovery.
- E. When fingerprints are being obtained from a subject who has no criminal history, or has not been arrested by the Hobbs Police Department, two ten-print cards will be completed. One ten-print card will be scanned into the AFIX TRACKER and then sent to the Records Section. This includes ten-print cards obtained on suspects and ones obtained for the purpose of elimination. They shall be treated as evidence, tagged and packaged accordingly.
- F. Comparison of latent fingerprints with ten-print cards will be conducted by a qualified fingerprint examiner, who has been trained to competency. The fingerprint examiner will adhere to ACE-V methodology when comparing fingerprints. Should a dispute arise regarding the opinion of the primary fingerprint examiner and the examiner making a verification, then the latent fingerprint and a ten-print card will be sent to the New Mexico Crime Lab for further analysis. Upon return, if the comparison was negative the card should be returned to the Records Section. If an identification is made the ten-print card should be treated as evidence, tagged and packaged accordingly.
- G. A supplemental report will be completed by the fingerprint examiner for all fingerprint identifications.

**VI. EVIDENCE COLLECTION**

- A. Procedures
  - 1. It is important to use crime scene search methods that:
    - a. preserve the condition of evidence in the process of collection;
    - b. prevent the introduction of foreign materials into the physical evidence;
    - c. ensure as complete a sample as possible and practical.
  - 2. Collection of evidence is done in a systematic, organized and recorded manner. When practical, evidence found at the crime scene is processed (photographed, dusted for prints, etc.) before being moved.
  - 3. The following evidence collection procedures are used whenever possible:

- a. Evidence is properly tagged and identified with the required information. Each article of evidence is stored in a separate container to avoid contamination.
- b. Collection of known or suspected hazardous materials or explosives requires the knowledge and skill of technicians specifically trained in handling hazardous materials or explosives.
  - 1) Upon the discovery of known or suspected hazardous materials or explosives, a field supervisor should be summoned by the investigating officer.
  - 2) The hazardous material or explosive response guidelines should be implemented.
4. The Detective or CST assigned to crime scene collection ensures the proper handling of the evidence and shipment to the appropriate laboratory in a timely manner.
5. The Detective assigned the case is responsible for:
  - a. requests for laboratory processing;
  - b. proper handling and packaging of evidence;
  - c. prompt release of evidence to owner, if appropriate.
6. Any evidence shipped to the N.M.D.P.S laboratory has a completed inventory sheet.
7. All firearms that are seized by the Hobbs Police Department will be sent to the lab/I.B.I.S. for identification purposes. The officer/detective/CST who is logging the firearm is responsible for filling out the I.B.I.S. form for submission to the lab.

**B. Biological Evidence**

1. Biological evidence is not processed in the field. It is collected and submitted to a laboratory for analysis in a timely manner, using current and accepted procedures as required by the investigating laboratory.
2. Biological evidence requiring refrigeration is collected and transported to the proper storage area as soon as possible.
3. Items of evidence containing wet blood are air dried and packaged separately to avoid cross contamination. These items are packaged according to Evidence packaging guidelines.
4. Evidence from a known source is collected for comparison purposes along with crime scene collected evidence.
5. Comparison materials should be properly stored and submitted along with evidence from the known source.

6. If evidence is not accepted by the lab, the assigned Detective or CST indicates the reason in a supplemental report.
- C. Known Standards
1. Anytime a Detective or CST collects an unidentified item or substance or an item or substance believed to be foreign to the scene, all available comparable substances and materials from known sources are collected for identification and/or elimination purposes.
  2. It is possible that evidence in the form of trace materials and substances may have been transferred to the suspect during the commission of an offense and taken from the scene. Such evidence may be recovered at a later date; therefore, known standard samples of such materials and substances should be collected from crime scenes.
  3. The location from which known standard samples are taken can be critical, especially in cases where fracturing or tearing has occurred.
  4. The report filed by the Detective or CST should explain in detail what known standard samples were collected and the location from which they were obtained, including date and time of collection.

**I. STATEMENT OF PURPOSE**

The Crime Scene Unit is to provide high quality, modern and thorough documentation, processing, collection, preservation and analysis of crime scene evidence. Personnel assigned to the Crime Scene Unit respond in support of on scene investigators as well as provide follow-up processing of evidence collected at scenes.

**II. GOALS AND OBJECTIVES**

A. The objectives of the Hobbs Police Department Crime Scene Unit are to:

1. Thoroughly process and preserve evidence at all major crime scenes under the general guidance of the on-scene investigator.
2. Care for, control and correctly process all property and evidence coming into their possession at a crime scene or during follow-up processing.
3. Review all latent fingerprints collected at a crime scene for work-ability and utilization of the Department's AFIX.
4. Process and document firearms, spent shell cartridge casings and/or projectiles for identification of serial numbers, and/or other identifying marks and latent fingerprints as well as preparation of items to be submitted to the IBIS database.
5. To thoroughly and concisely document, in a timely manner, observations and actions taken by the CST; and as necessary, communicate information to CID supervisors for case screening purposes.
6. Provide support in the area of collection and preliminary screening and packaging of evidence to be analyzed by scientific/forensic laboratories.
7. Provide testimony in court regarding actions and observations as well as staying abreast of new and innovative ways of documentation, collection, preservation and analysis of evidence.
8. Provide high quality photographic and video/digital video imagery in support of investigation activities including, but not limited to: case work photos, crime scene photos and videos/digital videos, audio/digital audio enhancement; and providing public relations photography/videography for the Hobbs Police Department as needed.

**III. WORK SCHEDULING AND SCENE RESPONSE**

A. The Crime Scene Unit's work schedule will be set by the CSU supervisor and is subject to change as dictated by coverage needs. CSTs are subject to call-out after normal working hours as assigned by the CSU supervisor.

**B. Scene Response:**

1. CSTs will not remain on any crime scene(s) in which no armed law enforcement officers are present unless the CST reasonably believes that it is safe to do so upon assessing the totality of the situation. If a CST reasonably believes that a scene is unsafe, then he/she shall contact the CSU supervisor or a shift supervisor and request an officer to respond. In the event that no officers are available, the CST will not remain at the scene until an officer arrives, or until the scene becomes safe.
2. During normal operation hours, at least one CST will respond to all felony calls in which a crime scene is present and respond to any other calls at the discretion of the investigating officer(s).
3. During after hours, call out of the CST on minor, single crime scenes will be at the discretion of the investigating officer or as directed by a supervisor.
4. The on-call CST will respond, upon contact, to all major crime scenes and any call in which multiple crime scenes are present.
5. The on-call CST will immediately notify the CSU supervisor when called out on any major crime scene(s).
6. When a CST is on call-out status, he/she will carry a cell phone, or be near enough to a phone or a police radio for notification by Dispatch for immediate response. It is the on-call CST's responsibility to immediately notify Dispatch of any changes in contact information.
7. The CST on call will not travel so far outside the city limits of Hobbs that he/she cannot immediately respond to a call or crime scene.
8. In the event of a change in availability for call-out status, the CST will notify his/her supervisor and Dispatch.

- C. Once contacted to respond to a crime scene(s), CSU personnel are responsible for the overall processing of that scene. This does not preclude assistance as needed by on-scene investigators, but CSU personnel have the authority to ensure scene integrity by limiting access to anyone into a scene that has not been fully processed. A cooperative, professional effort between all involved personnel is expected at a crime scene; any dispute regarding scene access or processing should be addressed through the appropriate chain of command.

**IV. ATTIRE**

- A. CSU personnel will dress in appropriate business attire which conforms to the professional standards as mandated by Department/City policies and is conducive to job performance. The CSU supervisor, or if absent the on-scene supervisor, will have final authority as to the appropriateness of worn attire.
- B. CSU personnel are provided with clothing appropriate for working conditions to include BDU's, polo shirts, coveralls, and other various items that bear HPD identifiers. Such clothing should be

utilized during normal operating hours as well as call-outs.

- C. Shoes will be conservative and professional in nature, and conducive to working at a crime scene. Athletic shoes may only be worn during after hour call-outs, unless otherwise determined to be the most appropriate option for the specific scene.
- D. CSU personnel will be issued protective, ballistic vests to be worn while at any scene that is necessary to insure their safety.
- E. For court appearances, CSU personnel should have appropriate clothing readily available in the event of short term notice and will be in compliance with HPD policies regarding court attire.

**V. VEHICLES**

- A. Each CST may be provided with an assigned take-home vehicle. The vehicles will be operated in accordance with HPD policies regarding on duty and off duty usage.
- B. While in their unit, the CST will have their police radio on, will monitor all police radio traffic and be available for immediate response to any crime scene in which an officer requests a CST.
- C. The CST will wear clothing appropriate for crime scene response while utilizing their take-home vehicle at all times.
- D. CSTs will not utilize emergency vehicle equipment, or run "Code 3" while responding to a scene or operate their vehicle in a manner as to disregard public safety.
- E. The assigned vehicle will be maintained properly, in good working condition and kept clean. Any vehicle maintenance and cleanliness issues will be rectified as soon as possible.

**VI. EQUIPMENT**

CST personnel shall ensure that assigned equipment is properly maintained in good working condition in accordance to manufacturer guidelines as well as HPD policies.

**VII. EVIDENCE HANDLING**

- A. CST's shall follow all evidence handling guidelines set forth in the Hobbs Police Department's Rules and Regulations *Chapter 7, Section 10*. In addition, the following rules shall be followed:
  - 1. CSTs shall consult with the on-scene investigators regarding the use of Personal Protection Equipment and other equipment to insure against scene contamination prior to entering any major crime scene.
  - 2. CST civilian personnel will not enter any crime scene that has not been secured and all persons accounted for.
  - 3. Members of the CSU will not enter a location where a suspected Methamphetamine manufacturing laboratory is located and will not collect and/or process Meth Lab components.



4. CSTs will not act as Evidence Custodians regarding major crime scenes and search warrants. Any CST working a major crime scene will document and process evidence and turn over such evidence to the Evidence Custodian or Case Agent.
  5. CSTs will not be responsible for checking out and transporting evidence to and from court.
- B. The Hobbs Police Department is equipped with a laboratory which contains equipment for processing of evidence. The following guidelines should be followed for evidence collection and processing:
1. Evidence should be stored in the evidence room or in evidence lockers when not being examined in accordance with HPD policies.
  2. When evidence goes straight from the crime scene to the lab, it should be examined, processed and placed into the evidence room as soon as possible.
  3. At no time will evidence be handled or left in a manner which causes its integrity to be jeopardized.

#### **VIII. SEARCH WARRANTS**

- A. Occasionally CSTs may be utilized for documentation, collection and processing of evidence pursuant to execution of search warrants. The CST's responsibility is to collect and process evidence searched for and seized by officers in assistance to the Evidence Custodian.
- B. The following guidelines will be followed by CSTs upon responding to search warrant locations:
1. The Case Agent will contact the CSU supervisor if their assistance is requested.
  2. The CSTs will attend any and all briefings conducted prior to execution of search warrant(s) and consult with the Case Agent/Supervisor to determine what is to be documented, collected and processed as evidence.
  3. The CST will read a copy of the search warrant and become familiar with what is listed to be seized as evidence.
  4. The CST will not respond to the scene of any search warrant until the scene has been secured, is safe to enter, and all citizens at the scene are accounted for.

#### **IX. FIREARMS**

- A. In accordance with Hobbs Police Department Rules and Regulations *Chapter 5, Section 13* and general firearm safety standards, CSU personnel are eligible to examine, and test fire firearms in the custody of the Hobbs Police Department.
- B. CSTs will not handle or process for evidence any firearm or other weapon(s) that have not been rendered safe enough to do so by law enforcement personnel. Rendering a firearm as safe to

process does not necessarily include tie wrapping the ejection port or cylinder of the firearm to the point in which latent print and/or DNA evidence may be lost. If a CST does not believe that a firearm is safe enough to process for evidence, he/she shall notify the scene supervisor or CSU supervisor prior to handling it. The scene supervisor or CSU supervisor will take necessary steps to insure the safety of the CST while processing a firearm for evidence.

- C. Copies of any State, Department, or other forms completed during the course of this examination will be entered into the appropriate case file.



## FORMS

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

HOBBS POLICE DEPARTMENT

COMPLAINT FORM

THE HOBBS POLICE DEPARTMENT TAKES ALL COMPLAINTS AGAINST IT MEMBERS SERIOUSLY. THE PUBLIC HAS A RIGHT TO EXPECT AND DEMAND FAIR AND IMPARTIAL LAW ENFORCEMENT SERVICES. IN PROVIDING THESE SERVICES, THE DEPARTMENT EMPLOYEE MUST BE FREE TO EXERCISE HIS/HER BEST JUDGEMENT AND TO INITIATE ACTION IN A REASONABLE, LAWFUL AND IMPARTIAL MANNER, WITHOUT FEAR OF REPRISAL. WHILE MUTUAL RIGHTS OF THE PUBLIC AND THE EMPLOYEE ARE NORMALLY RESPECTED, SITUATIONS MAY ARISE WHEN THESE RIGHTS ARE VIOLATED. TO PROTECT THE RIGHTS OF THE PUBLIC AND THE DEPARTMENT EMPLOYEE, IT IS NECESSARY THAT ALLEGATIONS OF POLICE MISCONDUCT BE INVESTIGATED.

PLEASE COMPLETE THE FORM AS ACCURATELY AS POSSIBLE .

THE FOLLOWING INFORMATION IS NEEDED SO WE CAN CONTACT YOU IN REGARDS TO THIS SITUATION.

PERSON FILING COMPLAINT \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_ HOME PHONE \_\_\_\_\_

EMPLOYER \_\_\_\_\_ WORK PHONE \_\_\_\_\_

WHAT IS YOUR COMPLAINT?

\_\_\_\_\_  
\_\_\_\_\_

NAME OF EMPLOYEE(S) YOUR COMPLAINT IS AGAINST

\_\_\_\_\_

DATE AND TIME INCIDENT TOOK PLACE \_\_\_\_\_ AT \_\_\_\_\_ AM/PM

WHERE DID INCIDENT TAKE PLACE

\_\_\_\_\_

WITNESSES TO INCIDENT:

1. NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PLACE OF EMPLOYMENT \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_

2. NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PLACE OF EMPLOYMENT \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

---

DATE \_\_\_\_\_

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws

## CITIZEN COMPLAINT INVESTIGATION

DATE RECEIVED: \_\_\_\_\_ DATE CLOSED: \_\_\_\_\_ CASE# \_\_\_\_\_

RECEIVING SUPERVISOR: \_\_\_\_\_

INVESTIGATING SUPERVISOR: \_\_\_\_\_

EMPLOYEE(S) NAMED IN COMPLAINT:

\_\_\_\_\_  
\_\_\_\_\_

### COMPLAINT:

Date of occurrence: \_\_\_\_\_ Time of Occurrence: \_\_\_\_\_ am pm

Address of Occurrence: \_\_\_\_\_

Allegation/Charge \_\_\_\_\_

(i.e., Use of Force, Harassment, Unbecoming Conduct, Failure to Act, Illegal Search, etc.)

Synopsis: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

CITIZEN INFORMATION: \_\_\_\_\_ Victim \_\_\_\_\_ Complainant \_\_\_\_\_ Witness

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Address: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

CITIZEN INFORMATION: \_\_\_\_\_ Victim \_\_\_\_\_ Complainant \_\_\_\_\_ Witness

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Address: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

### DISPOSITION

\_\_\_\_ EXONERATED \_\_\_\_ NOT SUSTAINED \_\_\_\_ SUSTAINED \_\_\_\_ UNFOUNDED \_\_\_\_ DISMISSED

### EXPLANATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ADMINISTRATIVE INVESTIGATION

DATE RECEIVED: \_\_\_\_\_ DATE CLOSED: \_\_\_\_\_ CASE# \_\_\_\_\_

INVESTIGATOR: \_\_\_\_\_

EMPLOYEE(S) NAMED:

\_\_\_\_\_  
\_\_\_\_\_

### COMPLAINT:

Date of occurrence: \_\_\_\_\_ Time of occurrence: \_\_\_\_\_ am pm

Address of occurrence: \_\_\_\_\_

Allegation/Charge: \_\_\_\_\_  
(i.e., Use of Force, Harassment, Unbecoming Conduct, Failure to Act, Illegal Search, etc.)

Synopsis of Allegation/Charge: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### DISPOSITION

\_\_\_ EXONERATED \_\_\_ NOT RESOLVED \_\_\_ SUSTAINED \_\_\_ UNFOUNDED

\_\_\_ SUSTAINED AS TO MISCONDUCT NOT BASED UPON THE COMPLAINT \_\_\_ POLICY AND PROCEDURE

### VIOLATION SUSTAINED (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### DISCIPLINE RECOMMENDED (if any)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Section of the Hobbs Police Department and released in  
accordance with specific Records Release policy. Use of  
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the holder assumes responsibility for compliance with  
such laws.

Report Number \_\_\_\_\_

**ADVICE OF RIGHTS**

I am \_\_\_\_\_, an officer with the Hobbs Police Department. I am investigating the criminal offense of \_\_\_\_\_, which is punishable by incarceration.

\_\_\_\_\_ YOU HAVE THE RIGHT TO REMAIN SILENT. YOU DO NOT HAVE TO SAY ANYTHING AT ALL, AND ANYTHING YOU DO SAY CAN BE USED AGAINST YOU IN A COURT OF LAW.

\_\_\_\_\_ YOU HAVE THE RIGHT TO AN ATTORNEY. BEFORE YOU TALK TO ME, YOU HAVE THE RIGHT TO TALK TO AN ATTORNEY, IF YOU SO DESIRE.

\_\_\_\_\_ IF YOU CANNOT PAY FOR AN ATTORNEY, THE JUDGE WILL APPOINT ONE FOR YOU FREE, IF YOU DESIRE AN ATTORNEY.

\_\_\_\_\_ YOU HAVE THE RIGHT TO HAVE YOUR ATTORNEY PRESENT WHEN I TALK TO YOU.

\_\_\_\_\_ YOU DO NOT HAVE TO TALK TO ME, BUT IF YOU DO, YOU HAVE THE RIGHT TO STOP TALKING AT ANY TIME.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.,

the foregoing advice of rights were read to:

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

Witness: \_\_\_\_\_

After being advised of your rights and with those rights in mind, do you wish to voluntarily give up those rights and talk to me now?

YES \_\_\_\_\_

NO \_\_\_\_\_



Numero de Reporte \_\_\_\_\_

**AVERTENCIA DE DERECHOS**

Yo soy \_\_\_\_\_, oficial con el Departamento de Policia de Hobbs. Estoy investigando el delito criminal de \_\_\_\_\_, que es sancionable con carcel.

\_\_\_\_\_ TIENES EL DERECHO DE PERMANECER CALLADO. NO TIENES QUE DECIR NADA, Y CUALQUIER COSA QUE DIGAS PUEDE SER Y SERA USADA EN TU CONTRA EN UN TRIBUNAL DE LA LEY.

\_\_\_\_\_ TIENES EL DERECHO DE UN ABOGADO. ANTES, DE HABLAR CONMIGO, TIENES EL DERECHO A HABLAR CON UN ABOGADO, SI DESEAS.

\_\_\_\_\_ SI NO PUEDES CONTRATAR A UN ABOGADO, EL JUEZ PUEDE ASIGNAR UNO SIN COSTO A TI, SI DESEAS UN ABOGADO.

\_\_\_\_\_ TIENES EL DERECHO DE TENER UN ABOGADO PRESENTE DURANTE EL INTERROGATORIO.

\_\_\_\_\_ NO TIENES QUE HABLAR CONMIGO, PERO SI LO HACES, TIENES EL DERECHO DE PARAR EN CUALQUIER MOMENTO.

En este \_\_\_\_\_ Dia de \_\_\_\_\_, 20\_\_\_\_\_, alas \_\_\_\_\_ a.m. /p.m., las avertencia de derechos se lello:

\_\_\_\_\_  
Nombre

\_\_\_\_\_  
Firma

Testigo: \_\_\_\_\_

Despues de informarte tus derechos y con estos en cuenta, deseas renunciar a estos derechos voluntariamente y hablar conmigo en este momento?

SI \_\_\_\_\_

NO \_\_\_\_\_

### Amber Alert Checklist for Law Enforcement Agencies

- ☐ Call is received by a local agency of a possible abduction
- ☐ **Dispatch** gives out alert to all units of a possible abduction. Alert includes all information received from initial call.
- ☐ **Dispatch** assigns units to respond to scene of incident. All available resources should respond immediately and be devoted to the investigation and obtaining facts and developing information.
- ☐ Once abduction is verified on scene, the **dispatcher** should send out a teletype using the Amber Alert form in Messenger.
- ☐ Officers on scene should obtain a photo of the child, descriptors of the child, vehicle information, and suspect information. [Refer to NMSP "Attachment A – Amber Alert Form"]
- ☐ Immediately notify the local New Mexico State Police (NMSP) dispatch so they can start the Amber Alert notification. If agency has a public information officer (PIO), that officer should coordinate with NMSP PIOs and should begin gathering information to disseminate to the media.
- ☐ **Dispatch** entry should be made into NCIC as "MP Endangered" and setting the "MP Category" as "AA" (Amber Alert) to ensure the National Center for Missing and Exploited Children (NCMEC) is notified (Dispatch should have enough information received on the initial call to enter the missing person into NCIC, as this information should have been obtained on the initial call.). Remember, the NCIC entry as an Amber Alert triggers the NCMEC notification and the teletype notifies all law enforcement agencies.
- ☐ Notify the NCMEC Amber Alert Coordinator at 800-843-5678 of the pending Amber Alert. The NCMEC coordinator will then confirm the information with NMSP in order to issue notification.
- ☐ The report, teletype, and NCIC entry will be completed by the local law enforcement agency handling the call (or NMSP, if they are assigned the call). **In all Amber Alerts, NMSP is to be notified as quickly as possible.**
- ☐ Updates to the teletype should be made by **dispatch** as often as new information is received or information has changed.

### Amber Alert Criteria

- ☐ There must be evidence of a non-family OR custodial abduction
- ☐ Of a Child 17 years of age or less
- ☐ There must be specific information concerning the abductor and/or child, which would prove useful to the public in hopes of recovering the child
- ☐ There must be reason to believe the child is in imminent danger of bodily harm or death
- ☐ The child must have already been entered in to NCIC as missing



DEPARTMENT OF PUBLIC SAFETY  
AMBER ALERT REPORT FORM



AGENCY INFORMATION:					
Officer's Name:		Contact #'s:			
Media Contact & Dept. PIO #'s:		District Office #:			
Check the Appropriate Box		YES	NO		
1.	Is the child seventeen (17) years of age or less?	<input type="checkbox"/>	<input type="checkbox"/>		
2.	Is there specific information concerning the child and/or abductor and is it available?	<input type="checkbox"/>	<input type="checkbox"/>		
3.	Is there evidence and is the child believed to be in imminent danger of serious bodily harm or death?	<input type="checkbox"/>	<input type="checkbox"/>		
<b>** DO NOT ACTIVATE IF YOU ANSWERED NO TO ANY OF THE ABOVE QUESTIONS.</b>					
4.	Has the child been entered into NCIC?	<input type="checkbox"/>	<input type="checkbox"/>		
<b>Missing Category:</b>					
Non-Family Abduction: <input type="checkbox"/> Parental Abduction: <input type="checkbox"/> Other Abduction: <input type="checkbox"/>					
<b>VICTIM INFORMATION:</b>					
<b>Missing Child #1:</b>		Name:		DOB:	
Race:	Sex:	HGT:	WGT:	Eyes:	
Hair color, style, etc.:					
Clothing Description:					
Miscellaneous Information:					
<div>This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.</div>					
<b>Missing Child #2:</b>		Name:		DOB:	
Race:	Sex:	HGT:	WGT:	Eyes:	
Hair color, style, etc.:					
Clothing Description:					
Miscellaneous Information:					



DEPARTMENT OF PUBLIC SAFETY  
AMBER ALERT REPORT FORM



SUSPECT INFORMATION:				
<b>Suspect Data #1</b>	Name:			DOB:
Race:	Sex:	HGT:	WGT:	Eyes:
Hair color, style, etc.:				
Clothing description:				
Miscellaneous Information:				
<b>Suspect Data #2</b>	Name:			DOB:
Race:	Sex:	HGT:	WGT:	Eyes:
Hair color, style, etc.:				
Clothing description:				
Miscellaneous Information:				
Suspect Vehicle Data:				
License Plate Number:			State:	
Color:	Year:	Make:	Model:	
Body Damage or other distinguishing details:				
ABDUCTION:				
City, County Last Seen in:				
Date & Time Last Seen:				
Circumstances:				
<b>Attach Photo: (If Available)</b>				



DEPARTMENT OF PUBLIC SAFETY  
AMBER ALERT REPORT FORM



**SCRIPT:**

TO BE USED WHEN CALLING IN AN AMBER ALERT TO KKOB:

**This is an emergency broadcast:**

At approximately (time) \_\_\_\_\_ AM/PM today, (date) \_\_\_\_\_  
a man/woman by the name of; \_\_\_\_\_,  
described as: (age, ethnicity, descriptors): \_\_\_\_\_

Abducted a \_\_\_\_\_ year old    male ☐ female ☐ child.

This child is described as (victim information):  
\_\_\_\_\_

The abductor was last seen in the area of \_\_\_\_\_  
at \_\_\_\_\_ AM/PM and is driving the following vehicle.

**Vehicle Information (if any)**

The vehicle is a (color) \_\_\_\_\_ (year) \_\_\_\_\_ (make) \_\_\_\_\_ (model) \_\_\_\_\_ ☐  
bearing (state) \_\_\_\_\_ (license plate number) \_\_\_\_\_. Additional descriptors for the  
vehicle include; \_\_\_\_\_.

This is an **ABDUCTION**. Anyone with information should immediately call your local  
Law Enforcement Agency or (        )        . Thank You.

**Point of Contact Information:**

Agency:	
Name:	
Phone number:	
Fax Number:	
E-mail:	

THIS IS NOT A CITATION, JUST INFORMATION

# WARNING NOTICE

in accordance with New Mexico Motor Vehicle Laws

66-3-126. Casual sales; place of sale; advertising; penalty.

A. No person not a dealer making a casual sale of his own motor vehicle duly registered to him shall sell the vehicle or offer or display the motor vehicle for sale at any location other than his current residence, place of employment or at any site where the seller of the motor vehicle has obtained prior written permission from the land owner.

B. Any person who violates any provision of this section is guilty of a misdemeanor and shall be punished by a fine of three hundred dollars (\$300) or by imprisonment for not less than thirty days, or both.

66-3-127. Warning of violation; removal of vehicle.

A. A law enforcement officer is authorized to place a warning sticker on any motor vehicle displayed at a location in violation of Section 2 (66-3-126 NMSA 1978) of this act and to provide for removal of the vehicle if it is at the same location twenty-four (24) hours after the warning sticker is placed on the motor vehicle.

B. The warning sticker shall contain the following information:

- (1) the date and time the warning sticker was affixed to the motor vehicle;
- (2) a statement that pursuant to this violation, if the motor vehicle is not removed within twenty-four (24) hours after the sticker is affixed, the motor vehicle shall be towed away and stored at the owner's expense and if the motor vehicle is moved to another unlawful location, it will be subject to immediate removal without warning; and
- (3) the location and telephone number where additional information may be obtained.

C. If a motor vehicle on which a warning sticker has once been issued and affixed is found in another unlawful location, the law enforcement officer may immediately without warning provide that the motor vehicle be towed away and stored at the owner's expense.

D. Within forty-eight (48) hours after a motor vehicle is towed away and stored pursuant to this section, the towing and storage facility so designated by the law enforcement agency shall give written notice by certified mail to the registered owner of the motor vehicle, if known, that the motor vehicle has been towed away and shall give the address of the storage facility where the motor vehicle is stored.

THIS NOTICE IS TO INFORM YOU OF THE ABOVE NEW MEXICO STATE STATUTE, YOUR POSSIBLE VIOLATION OF THIS STATUTE AND THE POSSIBLE CONSEQUENCES.

THANK YOU FOR YOUR COOPERATION AND COMPLIANCE WITH THIS STATUTE.

License # \_\_\_\_\_ State \_\_\_\_\_ Date/Time of Notice \_\_\_\_\_

Officer--Hobbs Police Department

SHOULD YOU HAVE ANY QUESTIONS IN REFERENCE TO THIS NOTICE OR THE STATUTE, PLEASE CONTACT THE ON-DUTY PATROL SUPERVISOR AT THE HOBBS POLICE DEPARTMENT, 397-9265.

STATE OF NEW MEXICO  
COUNTY OF LEA  
IN THE MAGISTRATE COURT

STATE OF NEW MEXICO  
V.

NO. \_\_\_\_\_

### FUGITIVE COMPLAINT

The State of New Mexico alleges that the above-named defendant is subject to extradition from this state to the State of \_\_\_\_\_.

(Check applicable alternative)

☐ The defendant is charged in the State of \_\_\_\_\_ with the crime of \_\_\_\_\_

☐ The defendant has been convicted in the above state of the crime \_\_\_\_\_ and has \_\_\_\_\_

- ☐ escaped from confinement;
- ☐ violated terms of release or bail;
- ☐ violated terms of probation;
- ☐ violated terms of parole.

The reason I believe that the defendant is the person identified in the fugitive warrant is:

(check all that apply)

- ☐ a copy of an NCIC message, teletype, warrant, indictment, information, affidavit, judgement of conviction or sentence so indicating is attached.
- ☐ the mode of transportation of the defendant.
- ☐ the physical description of the defendant.
- ☐ the date of birth of the defendant.
- ☐ the name of the defendant.
- ☐ Other: \_\_\_\_\_

(set forth other aspects showing that the defendant is the person sought in the other state.)

The crime with which the defendant was charged or convicted is punishable by death or imprisonment of more than one year.

The defendant was arrested on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (am/pm) and is confined in the \_\_\_\_\_ (county) (city) jail.

Pursuant to 31-4-13, 31-4-14 N.M.S.A. 1978 Compilation.

I SWEAR AND AFFIRM UNDER PENALTY OF PERJURY THAT THIS FUGITIVE COMPLAINT IS TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE, SUBJECT TO THE PENALTY OF IMPRISONMENT, TO MAKE A FALSE STATEMENT IN A FUGITIVE COMPLAINT.

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
OFFICER'S SIGNATURE

\_\_\_\_\_  
TITLE/AGENCY

## HOBBS POLICE DEPARTMENT EXPOSURE REPORT FORM

*Submit separate forms if more than one employee is exposed as a result of the same incident. Attach this form to the 'Incident Report' and 'Notice of Accident' along with any associated reports.*

### EMPLOYEE INFORMATION:

Name of involved employee \_\_\_\_\_

Rank \_\_\_\_\_ Shift \_\_\_\_\_

Symptoms \_\_\_\_\_

Medical attention received \_\_\_\_\_

### INCIDENT INFORMATION:

Date/Time of incident \_\_\_\_\_

Address where exposure occurred \_\_\_\_\_

Report Number \_\_\_\_\_

Name/Type of Exposure \_\_\_\_\_

Description of exposure \_\_\_\_\_

Duration of exposure \_\_\_\_\_

### NOTIFICATION:

Emergency Management/Safety Director notified YES \_\_\_\_\_ NO \_\_\_\_\_

Date/time \_\_\_\_\_

Notified by \_\_\_\_\_

Signature of employee \_\_\_\_\_

Date/time \_\_\_\_\_

Signature of supervisor \_\_\_\_\_

Date/time \_\_\_\_\_

*This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.*





# HOBBS POLICE DEPARTMENT

300 N. TURNER • HOBBS, NM 88240 • (575) 397-9284 • FAX (575) 397-3867 • [www.hobbspd.com](http://www.hobbspd.com)

CHRIS MCCALL  
Chief of Police

The Department receives requests for officers to work special events that require that officer(s) be dedicated solely to that event. This duty is called "Special Detail" and will be worked only under the following guidelines:

## **DEFINITIONS:**

Mandatory Special Detail: Duty which, due to the nature of the event, must be filled and to which officers will be assigned to work. The event must fall within one or more of the following categories:

1. Any event held on city owned property; or
2. Any City sponsored event; or
3. Any event that is deemed a serious safety hazard to the public.

Non-Mandatory Special Detail: Any Special Detail that does not fall within the Mandatory Special Detail category and for which scheduling is done strictly on a volunteer basis. If the duty is not adequately staffed (i.e., only one officer signed up for duty that requires two), the duty will not be worked.

Departmental Authority: Based on the size and nature of the event, the Hobbs Police Department makes the final determination as to the number of officers that are sufficient for the event. The requesting organization or individual must pay for the number of officers required or the duty will not be worked. During the event, supervision and control of agency personnel will remain with the Department; and, any Departmental equipment/facilities required for this event will only be used by Department personnel in accordance with Departmental policies.

## **PAYMENT RESPONSIBILITIES:**

- A. Special Detail is billed at \$42.50 per officer per hour. This rate is based upon an average police officers' overtime pay rate plus F.I.C.A. tax. The hourly rate will be re-assessed annually on July 1<sup>st</sup>.
- B. All special detail is paid directly to the police officer(s) working the duty.

Payment is expected at the time the service is rendered.

Individuals or organizations requesting services will be encouraged to contact the on-duty patrol supervisor prior to the event date(s) to determine whether the duty has been filled.

Individuals or organizations that request officer(s) for Special Detail are required to sign a written agreement with the department at least two weeks prior to the date(s) of the event (this requirement may be waived under emergency circumstances).

**CONTRACT BETWEEN THE CITY OF HOBBS AND  
FOR  
POLICE OFFICER SPECIAL DETAIL**

THIS CONTRACT is made the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Hobbs Police Department, Hobbs New Mexico, located in Lea County, New Mexico (hereinafter referred to as "HPD") and \_\_\_\_\_ (hereinafter referred to as "Event Sponsor").

**RECITALS:**

WHEREAS, the Event Sponsor has a need for Hobbs Police Officers to be present at the Event, identified herein, and provide law enforcement services for the duration of the Event; and

WHEREAS, HPD provides these services in conformity with its Special Detail Guidelines and this Contract.

The parties to this Contract, in consideration of their mutual promises, agree as follows:

1. **SCOPE OF SERVICES**

A. HPD shall provide law enforcement services, subject to the provisions contained in this Contract, at the following Event:

\_\_\_\_\_  
\_\_\_\_\_

B. The date, time (start, end) and location of this Event are as follows:

\_\_\_\_\_  
\_\_\_\_\_

C. The contact information for the Event Sponsor (name, mailing address and telephone number) is: \_\_\_\_\_

\_\_\_\_\_

D. HPD has determined that \_\_\_\_ police officer(s) are required to provide services at the Event. The HPD has further determined that the Event qualifies as Mandatory / Non-Mandatory Special Detail. If, on the day before the Event, HPD deems that there are insufficient police officers who have signed up for Non-Mandatory Special Detail, no law enforcement services will be provided by HPD, and this Contract shall become null and void at the sole discretion of HPD.

2. **FEE FOR SPECIAL DETAIL**

Event Sponsor shall pay City \$42.50 per hour, per police officer. Payment shall be made in full directly to the police officer working the event.

3. **STATUS OF POLICE OFFICER**

All Police Officers providing Special Detail for this Event are employees of the City of Hobbs engaged in law enforcement activities, including, but not limited to, enforcing all state laws and local ordinances and generally keeping the peace. These Police Officers are obligated to abide by the Hobbs Police Department Rules and Regulations, state law and local ordinances at all times.

4. INDEMNIFICATION

Event Sponsor agrees to and shall indemnify, defend and hold the City, the City Commission of the City of Hobbs, its individual commissioners, its officers, employees and agents harmless from any and all causes of action, suits, claims, judgments, losses, costs, expenses, and liens of every kind and nature, including, but not limited to court costs and attorney's fees, arising or alleged to have arisen due to activities of the Event. HPD's provision of law enforcement services for the Event in no way creates a partnership or co-sponsorship with Event Sponsor.

5. MISCELLANEOUS PROVISION

A. Event Sponsor agrees to pay City reasonable costs, including court fees and attorney's fees, incurred by City in the enforcement of this Contract.

B. If any part of this Contract shall be in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

C. Jurisdiction and venue relating to any litigation or dispute arising out of this contract shall be in Lea County, New Mexico, only.

IN WITNESS WHEREOF, the parties hereto have executed this Contract the day and year first above written.

THE CITY OF HOBBS, NEW MEXICO

Chris McCall, Chief of Police

EVENT SPONSOR

By:

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.



**POLICE OFFICER CERTIFICATE CLASSIFICATION PROGRAM  
REQUEST FOR CHANGE IN STATUS**

OFFICER \_\_\_\_\_

DATE \_\_\_\_\_

**1. NUMBER OF YEARS POLICE EXPERIENCE**

Claimant should enter the total number of years and months of full salaried police experience. Full salaried police experience for the purpose of this program is defined as: *Situation or condition where the claimant was the holder of a commission from a federal, state, county, or municipal civilian police organization and received salary for performing a police function, with powers of arrest.*

Total years \_\_\_\_\_ months \_\_\_\_\_

**2. CLASSROOM INSTRUCTION**

Claimant should enter total number, in hours, of in-service schools where police related matter was presented. Police related schools where college credits were received may be claimed under either classroom instruction or college, but not under both categories.

Total years on HPD \_\_\_\_\_ Total hours \_\_\_\_\_

**3. COLLEGE**

College credit may be claimed on the basis of any course of instruction that is recorded by transcript and is intercollegiate transferable, and is not claimed under Classroom Instruction.

Total hours \_\_\_\_\_ Degree \_\_\_\_\_

**4. CERTIFICATE LEVEL CLAIMED:**

Basic \_\_\_\_\_ Intermediate \_\_\_\_\_ Advanced \_\_\_\_\_ Master \_\_\_\_\_

Claimant should attach to this form copies of degree (s), in-service school certificated (noting number of hours claimed for each certificate), college transcripts (if degree has not been received), supportive documents of in-service schools where certificates were not presented; supportive documents listing years of experience with other police agencies. Supportive documents may be in the form of letters submitted by a responsible person from a previous employer.

REVIEWED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

CHIEF OF POLICE: \_\_\_\_\_

DATE: \_\_\_\_\_

CERTIFICATE LEVEL APPROVED \_\_\_\_\_

**HOBBS POLICE DEPARTMENT  
OFFICER DATA SHEET**

DATE: \_\_\_\_\_

BLOOD TYPE: \_\_\_\_\_

---

**PERSONAL INFORMATION**

NAME: \_\_\_\_\_ DATE EMPLOYED: \_\_\_\_\_

D.O.B.: \_\_\_\_\_ SOC: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ DL# & EXPIRATION: \_\_\_\_\_

SPOUSE'S NAME: \_\_\_\_\_ # OF CHILDREN: \_\_\_\_\_

SPOUSE'S EMPLOYER: \_\_\_\_\_ WORK HOURS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

**\*\*\*\*PERSON(S) TO BE NOTIFIED IN THE EVENT OF EMERGENCY\*\*\*\***

1. NAME: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

2.. NAME: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

3. NAME: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

---

**EQUIPMENT INFORMATION**

DUTY WEAPON: BRAND: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL #: \_\_\_\_\_

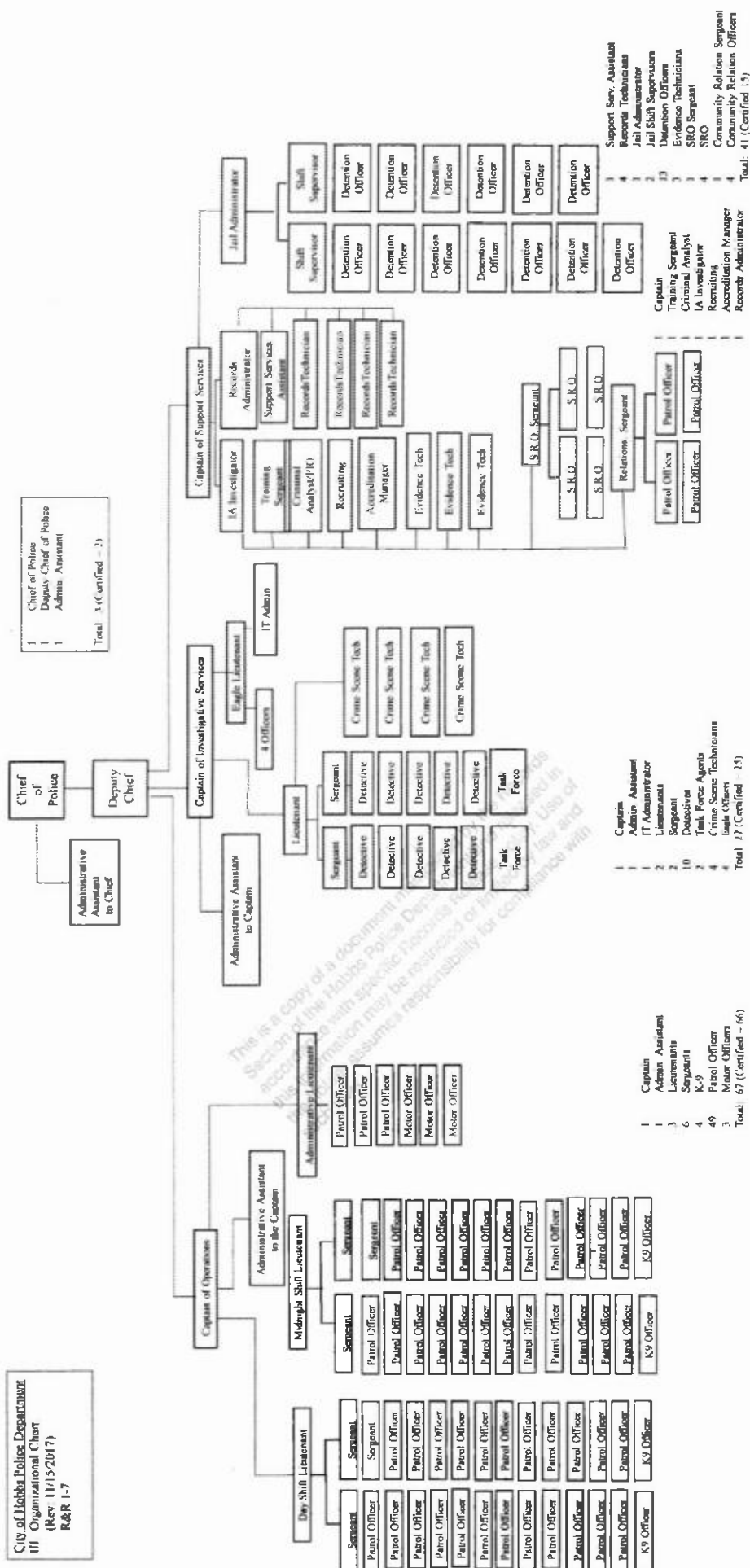
OFF-DUTY WEAPON: BRAND: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL #: \_\_\_\_\_

BACK-UP WEAPON: BRAND: \_\_\_\_\_ MODEL: \_\_\_\_\_ SERIAL #: \_\_\_\_\_

---

**INSTRUCTIONS OR OTHER INFORMATION ABOUT ANY OF THE ABOVE:**

1	Chief of Police
1	Deputy Chief of Police
1	Admin. Assistant
Total 3 (Certified - 2)	



**CITY OF HOBBS**  
**REQUEST FOR AUTHORIZATION TO PURSUE**  
**OUTSIDE EMPLOYMENT**

Pursuant to Sec. 21-9-3 (a) of the City of Hobbs Personnel Rules, an employee is free to pursue any outside employment, including self-employment, provided that there is no conflict of interest, the employment does not occur during the assigned working hours of the employee, and the efficiency of the employee is maintained.

Employee Name: \_\_\_\_\_

Department: \_\_\_\_\_

I do hereby request permission to engage in outside employment with:

_____	_____	_____
Company Name	Address	Phone Number

I understand that my employment with the City of Hobbs will be considered my primary employment. I understand that my outside employment shall not interfere with my scheduled work hours with the City, impair the quality of my assigned duties, nor constitute a conflict of interest. I further understand that should the department head and city manager determine that I should not continue outside employment, the department head and the city manager may require that such employment cease.

_____ Employee Signature	_____ Date
-----------------------------	---------------

Approved:

_____ Department Head Signature	_____ Date
------------------------------------	---------------

_____ City Manager Signature	_____ Date
---------------------------------	---------------

Appendix B

**HOBBS POLICE DEPARTMENT**

**SOBRIETY CHECKPOINT ACTIVITY REPORT**

DATE: \_\_\_\_\_

LOCATION: \_\_\_\_\_

TIME: \_\_\_\_\_ TO \_\_\_\_\_

TOTAL NUMBER OF VEHICLES STOPPED \_\_\_\_\_

TOTAL NUMBER OF VEHICLES DETAINED \_\_\_\_\_  
(Drivers suspected & tested for DWI)

TOTAL NUMBER OF VEHICLES WAVED THROUGH CHECKPOINT DUE TO TRAFFIC  
CONGESTION \_\_\_\_\_

TOTAL NUMBER OF VEHICLES OBSERVED AVOIDING ENTRY INTO CHECKPOINT  
\_\_\_\_\_

TOTAL NUMBER OF DWI ARRESTS \_\_\_\_\_

TOTAL NUMBER OF OTHER ARRESTS \_\_\_\_\_

NAME & RANK OF PARTICIPANTS:

- |          |           |
|----------|-----------|
| 1. _____ | 6. _____  |
| 2. _____ | 7. _____  |
| 3. _____ | 8. _____  |
| 4. _____ | 9. _____  |
| 5. _____ | 10. _____ |

OTHER OCCURRENCES:

\_\_\_\_\_  
CHECKPOINT SUPERVISOR



## APPENDIX A

### RECOMMENDED DIALOGUE

"Good Evening. I'm Officer \_\_\_\_\_ of the Hobbs Police Department. This is a sobriety checkpoint. May I see your drivers license?"

(Brief questioning may follow to determine if the driver is DWI.)

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

## HARASSMENT POLICY UPDATE

The harassment policy is to be reviewed during each annual employee performance evaluation. Each question is to be addressed and initialed by the reviewing supervisor and the employee. A comment section is available for the supervisor and employee to utilize for appropriate comments. If an employee does not wish to discuss an incident with the supervisor, he/she will be referred to the Personnel Director.

Supervisor

Employee

_____	Are you aware of the Police Department's commitment to this policy?	_____
	_____	
	_____	
_____	Having just reviewed the policy, do you have any questions about it?	_____
	_____	
	_____	
_____	Are you aware of the consequences of harassing behavior?	_____
	_____	
	_____	
_____	Are you aware of any unreported violations?	_____
	_____	
	_____	
_____	Do you know how to file a harassment complaint?	_____
	_____	
	_____	
_____	Who do you file a complaint with?	_____
	_____	
	_____	

Supervisor Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Supervisor's Signature                      Date

\_\_\_\_\_  
Employee's Printed Name                      Date

\_\_\_\_\_  
Personnel Review                      Date

\_\_\_\_\_  
Employee's Signature                      Date

## INCIDENT REPORT

Employee's Name: \_\_\_\_\_ Employee's SSN: \_\_\_\_\_

Employee's Address: \_\_\_\_\_

\_\_\_\_\_ Home Phone: \_\_\_\_\_

Department: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

**INSTRUCTIONS:** To be completed by employee. Reminder--Complete the Notice of Accident form for any on-the-job injury.

What specific activity (or work process) were you performing when the accident occurred?

Describe in detail what occurred. (Identify location, all conditions, equipment, materials, chemicals, actions and individuals that contributed to the accident.)

Did any object or substance directly injure you or make you ill?

Yes [ ☐ ] No [ ☐ ]

If yes, please list object or substance \_\_\_\_\_

Did Accident result in an injury to you? Yes [ ☐ ] No [ ☐ ]

Describe the injury.

Was employee referred to medical treatment? Yes [ ☐ ] No [ ☐ ]

Where?

Name of supervisor who authorized referral: \_\_\_\_\_

List witnesses and phone numbers:

Accident caused by anyone not employed by the city?

Yes [ ]

No [ ]

If yes, give name, address, and phone number.

What do you consider the real and basic cause of this accident? (Be specific and detailed)

What should be done to prevent similar accidents?

Employee's Signature

Date

INSTRUCTIONS: To be completed by Supervisor. Reminder— Complete the Property Damage Report and Cost Estimates:

Is there a reason to question whether this accident is job related?

Yes [ ]

No [ ]

If no, explain.

Were safeguards or safety equipment provided?

Yes [ ]

No [ ]

If yes, were they used?

Yes [ ]

No [ ]

What should be done to prevent similar accidents?

Provide additional comments/recommendations.

Supervisor's Signature

Date

Report Number \_\_\_\_\_

**JUVENILE ADVICE OF RIGHTS**

I am \_\_\_\_\_, an officer with the Hobbs Police Department. I am investigating the criminal offense of \_\_\_\_\_, which is punishable by incarceration. You are entitled to the same basic rights as an adult.

\_\_\_\_\_ YOU HAVE THE RIGHT TO REMAIN SILENT. YOU DO NOT HAVE TO SAY ANYTHING AT ALL, AND ANYTHING YOU DO SAY CAN BE USED AGAINST YOU IN A COURT OF LAW.

\_\_\_\_\_ YOU HAVE THE RIGHT TO AN ATTORNEY. BEFORE YOU TALK TO ME, YOU HAVE THE RIGHT TO TALK TO AN ATTORNEY, IF YOU SO DESIRE.

\_\_\_\_\_ IF YOU CANNOT PAY FOR AN ATTORNEY, THE JUDGE WILL APPOINT ONE FOR YOU FREE, IF YOU DESIRE AN ATTORNEY.

\_\_\_\_\_ YOU HAVE THE RIGHT TO HAVE YOUR ATTORNEY PRESENT WHEN I TALK TO YOU.

\_\_\_\_\_ YOU DO NOT HAVE TO TALK TO ME, BUT IF YOU DO, YOU HAVE THE RIGHT TO STOP TALKING AT ANY TIME.

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ a.m./p.m.

the foregoing advice of rights were read to:

Child's Name \_\_\_\_\_

Child's Signature \_\_\_\_\_

Witness: \_\_\_\_\_

After being advised of your rights and with those rights in mind, do you wish to voluntarily give up those rights and talk to me now?

YES \_\_\_\_\_

NO \_\_\_\_\_

## HPD SWAT RISK ASSESSMENT MATRIX

KNOWN / SUSPECTED INFORMATION	POINTS	X	SCORE
Search Warrant is for evidence of Property Crimes only	2		
Search Warrant is for evidence of Crimes Against Persons	5		
Search Warrant is for evidence of Felony Narcotics Violations	5		
Search Warrant is for Narcotic / Violent Felony Suspects	10		
Search Warrant is "No-Knock"	Mandatory SWAT		
Arrest Warrant is for Felony Narcotic Violations	7		
Arrest Warrant is for Violent Felony	10		
Execution requires unknown use of Breaching Tools	3		
Execution requires basic Breaching Tools (Ram, etc.)	7		
Execution requires Specialty Breaching (Shok-loc, Bar-pull, etc.)	Mandatory SWAT		
Execution requires overcoming Geographic Barriers	5		
Target location is Fortified / Booby-Trapped / Monitored by Surveillance (video or persons)	Mandatory SWAT		
Target location has Vicious Dogs	3		
Suspect has made statements indicating Resistance to Warrant Service	7		
Suspect has Property Crimes history only	1		
Suspect has Crimes against Persons history	5		
Suspect has history of Weapons Violations	5		
Suspect has history of Violent Crimes	10		
Suspect has history of Assaults against Police	15		
Suspect has used firearms in the Commission of Crimes	15		
Suspect is currently on Probation / Parole	5		
Suspect has previous known history of Mental Instability	10		
Suspect is known Drug / Alcohol abuser	3		
Suspect has background in Military / Law Enforcement	10		
Suspect is known to belong to Violent Criminal Organization (not low level street gang)	15		
Suspect is a known Gang Member	5		
Firearms are Present / Readily Available at the Location	3		
Suspect is always Armed	15		
Assault Weapons / Explosives present at Location	Mandatory SWAT		
Suspect has been previously served by SWAT	15		
Less than 7 days to Plan	1		
Less than 3 days to Plan	3		
Less than 1 day to Plan	5		
TOTAL POINTS			

DATE: \_\_\_\_\_

CASE #: \_\_\_\_\_

CASE AGENT / AGENCY: \_\_\_\_\_

TYPE OF OPERATION: SEARCH WARRANT ☐; ARREST WARRANT ☐; OTHER ☐ \_\_\_\_\_

SUSPECT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

FORM PREPARED BY: \_\_\_\_\_ (attach records used in this evaluation)

Mandatory SWAT Service:  $\geq 35$  points

SWAT Consultation: 21-34 points

# MONTHLY LINE INSPECTION

## Tactical Response Team

OFFICER GEAR	Cmdr. Lt. Blevins		Sgt. Jeff Moyers	Ofc. John Benavides	Det. Delafuente, A.	Ofc. Shawn Hardison					Ofc. Travis Jackson		Ofc. Cesar Holt		Medic	Medic	Medic
Primary & Secondary Weapons / Magazines																	
Surefire Light																	
Leg Holster / Belt																	
Leg Armor																	
Hydro Storm (black)																	
Tactical Body Armor																	
Boots																	
Pistol Magazines																	
New Eagle Headset																	
Cell Phone																	
Call-out ammunition																	
OD T-Shirt																	
Camo BDU's																	
Callout OD BDU																	
Knee / elbow pads																	
Handcuffs / Key																	
Ballistic Helmet / Goggles																	
Nomex Hood																	
Nomex Gloves																	
Gas Mask																	
Coveralls																	
Night Vision																	

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

Team Leader: \_\_\_\_\_

Date: \_\_\_\_\_

**JUVENILE DETENTION CENTER**  
**MEDICAL CONSENT FORM**

THE UNDERSIGNED **PERMITS/REFUSES** THE RENDERING OF MEDICAL CARE AND  
TREATMENT INCLUDING X-RAYS AND LABORATORY PROCEDURES DEEMED NECESSARY  
BY THE DETENTION FACILITY MEDICAL STAFF AND/OR THEIR CONSULTING  
PHYSICIAN ADMINISTERED TO:

\_\_\_\_\_ WHO IS HIS/HER \_\_\_\_\_  
**INMATE'S NAME** **RELATIONSHIP**

I FURTHER ACKNOWLEDGE THAT I UNDERSTAND THIS MEDICAL CONSENT FORM AND  
HEREBY RELEASE THE JUVENILE DETENTION FACILITY, THE COUNTY, IT'S  
EMPLOYEES AND ATTENDING PHYSICIAN FROM ANY AND ALL LIABILITY FOR ANY  
ILL EFFECTS WHICH MIGHT RESULT FROM ANY AND ALL MEDICAL CARE AND TREATMENT  
WHILE INCARCERATED IN THE JUVENILE DETENTION FACILITY. THE MEDICAL INFORMATION  
RENDERED ON THE OTHER SIDE OF THIS FORM IS CORRECT TO THE BEST OF MY  
KNOWLEDGE.

PARENT/GUARDIAN SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**\*IF PARENT OR GUARDIAN REFUSES MEDICAL CARE AND TREATMENT FOR A JUVENILE THEY  
STILL NEED TO SIGN FORM ATTESTING TO THAT FACT!!  
ONLY LIFE-SAVING PROCEDURES WILL BE OFFERED.**

\* STAFF PERSONNEL WILL ASK PARENT OR LEGAL GUARDIAN IF JUVENILE IS ALLERGIC TO  
ANY MEDICATIONS. IF SO LIST THESE MEDICATIONS ON MEDICAL INTAKE SCREENING FORM.

IF PARENTS HAVE A MEDICAL CARD LIST THE NUMBER BELOW:

CARD NUMBER \_\_\_\_\_

EXPIRATION DATE \_\_\_\_\_



## PRELIMINARY KEY REQUEST

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SOCIAL SECURITY #

\_\_\_\_\_  
DEPARTMENT

\_\_\_\_\_  
POSITION

TO KEY CONTROL DEPARTMENT: I request that the above named person be issued the keys as detailed:

### ROOM OR DOOR

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

APPROVED BY:

\_\_\_\_\_  
SUPERVISOR

\_\_\_\_\_  
DATE

CITY OF HOBBS  
GENERAL SERVICES DIVISION

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

**APPENDIX A NCIC ENTRY CHECKLISTS:**

The Hobbs Police Department follows the NCIC Operating Manual and NCIC Code Manual for its criterion regarding all phases of use. Each type of entry has specific requirements, both NCIC mandated and locally required. The entry checklists for a number of the Entry Request forms are reproduced below, along with any other entry specific data.

**A-1 WANTED PERSON ENTRY CHECKLIST (EW):**

To be completed by entering NCIC operator.

1. Pull corresponding report/supplements (arrest file if applicable), verify all information for accuracy and completeness. Be sure you have the warrant in file, verify information with entry request.
2. Run QH/QR (Criminal History) and VQ/DQ (Drivers License check) to obtain all possible identifiers (AKA's, etc.). "Pack" the entry with all available information possible. Run IQ/FQ if SID number is available and you receive a negative response to QH/QR. Copy of RQ (Registration Inquiry) if vehicle information is included in the entry must be attached by requesting officer. Enter NIC # on the warrant jacket for reference purposes.
3. Enter all AKA, DOB, SOC, SMT - all additional identifiers in a supplemental entry (SW). Describe the scars, marks, tattoos in the MIS field if room is available. Be aware of the requirements for the use of Stolen/Fraudulent Identifier fields.
4. Do you have the correct MKE (message key) in the entry? Be sure caution indicators are defined in the MIS field. If wanted subject is a Juvenile be sure the request meets all criteria for entry as stated in NCIC Operating Manual. Check Code Manual and NCIC Operating Manual (page 7-1) for entry criteria and proper coding.

**Notes:**

- A. Check to see if subject is currently entered NCIC by our department. If so do not make another entry, modify (UW) the existing entry to reflect the new and additional warrant data in the MIS field.
- B. Wanted persons remain in NCIC indefinitely, until the originating agency clears or cancels the entry.

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**A-2 MISSING / RUNAWAY PERSON ENTRY CHECKLIST (EM):**

To be completed by entering NCIC operator.

1. Pull corresponding report/supplement (arrest file if applicable), and verify all information for accuracy and completeness. Attempt to fill all available fields with documented data. Copy of RQ (Registration inquiry) if vehicle information is included in the entry must be attached by requesting officer.
2. Check your Code Manual and NCIC Operating Manual (page 8-1) to verify your MKE (message key) for proper category. Check all fields for proper coding and criteria. Define caution indicators and additionally describe SMT in the MIS field if room is available.
3. Run QH/QR (criminal history) and VQ or DQ (Drivers License information) for any additional information and identifiers. Run IQ/FQ if SID number is available and you receive a negative response to QH/QR.
4. If entry is Juvenile (EMJ) make a supplemental entry using the mother's maiden name as an AKA.
5. Enter in local computer.

**Notes:**

- A. Missing person entries remain in NCIC until they are cleared or canceled by the originating agency.

**A-3 VEHICLE / PART ENTRY CHECKLIST (EV):**

To be completed by entering NCIC Operator.

1. Pull corresponding report/supplements and verify all information for accuracy and completeness. Fill all related available fields with documented data.
2. Copy of Title or Registration attached by requesting officer for verification of VIN and LIC information (if not attached, return to the requesting officer prior to entry being made).
3. Check your Code Manual and NCIC Operating Manual (page 1-1) for proper codes and entry criteria. Be aware of caution indicators and define in the MIS field.

**Notes:**

- A. If NCIC is not accepting the VIN information and you are sure you have the correct VIN, enter the VIN in the OAN field. Note in the MIS field "OAN believed to be VIN". OAN is a searchable field and MIS is not.
- B. Vehicles/Parts remain in NCIC for the year of entry plus four (total 5 yrs). If no VIN, OAN, or SER is entered the vehicle/part is purged automatically after 90 days. License information is purged from the NCIC record 1 year after the year of expiration in the entry. REMINDER - NX is the code for Non-expiring plates. "00" will be used to indicate the year 2000.
- C. For stolen vehicles, at least one of the following must be entered: License info, VIN or OAN (owner applied number).

**A-4 LICENSE PLATE ENTRY CHECKLIST (EL):**

To be completed by entering NCIC operator.

1. Pull corresponding report/supplements and verify all information for accuracy and completeness. Fill all required fields with documented data.
2. RQ (Registration Inquiry) attached to the entry by requesting officer for confirmation/validation purposes, (if not attached, return to requesting officer prior to entry being made).
3. Check the Code Manual and NCIC Operating Manual (page 2-1) for the proper codes that meet NCIC entry criteria. Be aware of caution indicators and define in the MIS field.

**Notes:**

- A. Plates remain in NCIC for one year after the year of expiration as entered. The entry will then be purged automatically in the NCIC annual purge. Non-expiring plates will remain in NCIC for the year of entry plus 4.

**A-5 STOLEN / RECOVERED FIREARM ENTRY CHECKLIST (EG):**

To be completed by entering NCIC operator.

1. Pull corresponding report/supplements and verify all information for accuracy and completeness. Fill all available fields with documented data. Note the optional caution indicator in the MKE (message key) field.
2. Check the Code Manual and NCIC Operating Manual (page 4-1) for proper codes and entry criteria.

**Notes:**

- A. Guns remain in NCIC indefinitely until originating agency clears or cancels the record.
- B. Be aware of the recovered gun entry capabilities also.
- C. TYPE CODES: (Most common, but not all - See Code Manual for others. PI (Semi-auto pistol); PR (Revolver); PS (Single Shot Pistol); RA Full auto Rifle); RB (Bolt action Rifle); RC (Carbine); RL (Lever action rifle); RP (Pump rifle); RI (Semi-auto rifle); RS (Single shot rifle); SB (Bolt action shotgun); SE (Side by side Double Barrel shotgun); SO (Over/under shotgun); SP (Pump shotgun); SI (Semi-auto shotgun); SS (Single shot shotgun).

**A-6 ARTICLE ENTRY CHECKLIST (EA):**

To be completed by entering NCIC operator.

1. Pull corresponding report/supplements, verify all information for accuracy and completeness. Fill all available required fields with documented data. Clarify the item in the MIS field, you have up to 50 characters in that field.
2. Check Code Manual and NCIC Operating Manual (page 5-1) for proper codes and entry criteria regarding values etc. Office equipment, color TVs and bicycles may be entered regardless of value.

**Notes:**

- A. Articles remain in NCIC for year of entry plus 1 additional year. These records are not validated so be sure the entry accurately reflects the article stolen.

**A-7 BOAT / SUPP. DATA ENTRY CHECKLIST (EB):**  
To be completed by entering NCIC operator.

1. Pull corresponding report/supplement and verify all information for accuracy and completeness. Attempt to fill all available required fields with documented data.
2. Check the Code Manual and NCIC Operating Manual (page 3-1) for proper codes and NCIC entry criteria.
3. Copy of Registration or Title for boat and/or trailer if applicable attached to the entry by the requesting officer for confirmation / validation purposes (if not attached, return to requesting officer prior to entry being made).
4. If trailer and boat are stolen together, enter the Boat with a supplemental trailer (HPD Entry form NCIC SB) entry. Do not enter the trailer under the vehicle file and the boat separately under the Boat file. See Operating Manual for additional criteria.

**Notes:**

- A. Entry must have either a unique BHN (hull number) permanently attached, REG (registration #), or OAN (Owner Applied #).
- B. Boats remain in NCIC for year of entry plus four (5 yrs). If entry does not have a BHN or OAN it will remain in NCIC for 90 days. Supplemental trailer entries are purged when the boat entry is purged.

**A-8 SUPPLEMENTAL BOAT TRAILER / PART ENTRY CHECKLIST (SB):**  
To be completed by entering NCIC operator.

1. Pull corresponding report/supplement and verify all information for accuracy and completeness. Attempt to fill all available required fields with documented data.
2. Check the Code Manual and NCIC Operating Manual (page 3-1) for proper codes and NCIC entry criteria.
3. Copy of Registration or Title for boat and/or trailer if applicable attached to the entry by the requesting officer for confirmation/validation purposes (if not attached, return to requesting officer prior to entry being made).
4. If trailer and boat are stolen together, enter the Boat with a supplemental trailer (HPD Entry form NCIC SB) entry. Do not enter the trailer under the vehicle file and the boat separately under the Boat file. See Operating Manual for additional criteria.

**Notes:**

- A. Boat must have a unique BHN (hull number) permanently attached, REG (registration #), or OAN (Owner Applied #) before it can be entered.
- B. Boats remain in NCIC for year of entry plus four (5 yrs). If entry does not have a BHN or OAN it will remain in NCIC for 90 days. Supplemental trailer entries are purged when the boat entry is purged.

**A-9 SECURITY ENTRY CHECKLIST (ES):**

To be completed by entering NCIC operator.

1. Pull corresponding report/supplements, verify all information for accuracy and completeness. Fill all available required fields with documented data.
2. Check Code Manual and NCIC Operating Manual (page 6-1) for proper codes and entry criteria.

Notes:

- A. Securities remain in NCIC for year of entry plus 4 additional years unless they are Travelers Checks or Money Orders, they are retained in NCIC for the year of entry plus 2 additional years.

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## PARENT NOTIFICATION

Juvenile's Name	File #	
Parent/Guardian Name	Relationship	
Address(if different from child)	Phone #(if different)	
Officer making notification	Date	Time

## JUVENILE/INMATE RELEASE

By my signature I acknowledge the release of the above named juvenile into my custody. Additionally, I agree to appear with said juvenile at the Juvenile Probation and Parole Office per summons.

Signature of parent/guardian	Date	Time
------------------------------	------	------

By my signature I acknowledge the release of the above named juvenile into my custody for transportation to another detention facility.

Signature of Officer	Date	Time
----------------------	------	------

By my signature I acknowledge the release of into my custody.

Signature of Officer	Date	Time
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Detention Facility
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This is a copy of the document maintained by the Record  
Section of the Michigan Department of Corrections and released in  
accordance with specific provisions of the Release Policy. Use of  
this information may be restricted by law and  
the holder assumes responsibility for compliance with  
such laws



## PURSUIT REVIEW

Incident #: \_\_\_\_\_

Officers Involved: \_\_\_\_\_

Was the pursuit incident recorded on audio/video? YES NO

Did you review the recording: YES NO

Comments: \_\_\_\_\_  
\_\_\_\_\_

Did all involved officers submit supplemental reports: YES NO

Comments: \_\_\_\_\_  
\_\_\_\_\_

Initial reason/violation for pursuit: \_\_\_\_\_  
\_\_\_\_\_

Was the pursuit terminated: YES NO

If Yes, by whom and reason why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approximate Distance of Pursuit: \_\_\_\_\_ Approximate Duration of Pursuit: \_\_\_\_\_

Weather Condition: Clear Foggy Rain Snow Ice

Traffic Condition: Heavy Medium Light None

\_\_\_\_\_  
Sergeant Date

(To be filled out by Patrol Lieutenant or Designee)

Recommendations based on initial review: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Pursuit within Policy: \_\_\_\_\_

Pursuit not within Policy: \_\_\_\_\_

\_\_\_\_\_  
Patrol Lieutenant Date

(To be filled out by Patrol Captain)

Comments/Recommendations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Patrol Captain Date

## Hobbs Police Department Meritorious Awards

Medals and Service Ribbons are a way for employees to display their accomplishments and a way for the Department to recognize dedication and effort. The first Medal / Ribbon / Lapel pin will be provided by the Department. All replacements are the responsibility of the officer.

Medals may be displayed by an officer after they have been presented to them by the Chief of Police or designee, no matter the amount of service time. Service Ribbons may be displayed by officers who are non-probationary.

This form will be used to request service ribbons. Employees (Civilian and Sworn) should submit the request form through their chain of command for each ribbon they have earned. It will be the responsibility of the employee's supervisor (s) to verify and approve the issuance of the ribbon.

<b>Employee Name</b>	<b>Date of Hire</b>	<b>Years of Service</b>
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Check the requested ribbons and forward this form through your chain of command to Support Services. For ribbon definitions refer to Rules and Regulations Chapter 2, Section 16 – Meritorious Awards Program.

### Ribbons

Ribbon of Honor _____ Meritorious Ribbon _____ Life Saving Ribbon _____ Commendation Ribbon _____ FBI NAA _____ Bachelor Degree _____ Doctorate _____ September 11, 2001 _____ School Resource _____ Special Unit _____ CID _____ Instructor _____ SWAT _____ DRE _____ Detention 5 Year _____ Detention 15 Year _____	Ribbon of Valor _____ Purple Heart _____ Officer / Supervisor of the year _____ Associate Degree _____ Master Degree _____ Military Service _____ Chief Humanitarian _____ Field Training Officer _____ Honor Guard _____ Firearms Instructor _____ K9 _____ Negotiator _____ Recruiter _____ Detention 10 Year _____
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<b>Chain of Command (initial)</b>	<b>Support Services</b>	<b>Date of issue</b>
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SERIAL # \_\_\_\_\_ LID# \_\_\_\_\_

[illegible]

# MONTHLY LINE INSPECTION

<div>OFFICER</div> <div>GEAR</div>																	
Digital Camera																	
Digital Recorder																	
Body Armor																	
Flashlight																	
Portable Radio																	
OC Spray																	
Taser																	
Weapons/Ammo																	
Handcuffs																	
Uniform																	
Leather																	
Footwear																	
Traffic Vest																	
NM DL																	
Department ID Card																	
County Comm. Card																	
Rules and Regs																	
Crime/Traffic Manual																	
Appearance																	

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## MONTHLY LINE INSPECTION GUIDELINES

The purpose of the monthly **LINE Inspection** is to provide each supervisor with the opportunity to ensure that the equipment provided to their subordinates is being maintained within Department guidelines, that it is serviceable and in good condition, and that their subordinates are projecting a professional appearance.

Division Captains should schedule a detailed **STAFF Inspection** to be conducted no later than the end of June every year.

Each area indicated on the form shall be visually inspected. Any deficiencies shall be documented and a follow-up investigation will be completed within one (1) week.

Upon completion of an initial or repeat inspection, the original copy shall be forwarded through the chain of command to the division Captain. After review, the original copy will be forwarded to the Accreditation Office where it will be filed.

### Substandard Documentation


### Corrective Action Recommended/Taken


This is a copy of a document maintained by the Records Section of the Florida Police Department and released in accordance with specific requests. Release of this information may be required or limited by law and the holder assumes responsibility for compliance with such laws.

Inspected by: \_\_\_\_\_

Date: \_\_\_\_\_

Division Captain: \_\_\_\_\_

Date: \_\_\_\_\_

SERIAL # \_\_\_\_\_ LID# \_\_\_\_\_

RADIO:

INITIALS:

OUT:

IN:

REASON:

[illegible]

## HOBBS POLICE DEPARTMENT

### VEHICLE INSPECTION SHEET

This inspection sheet must be completed by the on-duty supervisor and the vehicle's assigned officer. This form must be signed by both the supervisor and officer after the inspection is completed. Upon completion of the inspection, return this form to the department's Fleet Manager.

#### VEHICLE INFORMATION:

Vehicle #: \_\_\_\_\_ Officer Assigned: \_\_\_\_\_ Shift Assignment: \_\_\_\_\_  
Mileage: \_\_\_\_\_ Service Mileage: \_\_\_\_\_ Radio LID #: \_\_\_\_\_

#### VEHICLE APPERANCE: List any damage to the exterior of the vehicle. Also list overall cleanliness and organization of the vehicle

☐ Exterior - \_\_\_\_\_  
☐ Interior - \_\_\_\_\_

#### Equipment: Inspect and check satisfactory equipment. If any replacement or repairs are needed, please note it below, including what action was taken to correct the issue.

<input type="checkbox"/> Headlights	<input type="checkbox"/> Tail Lights	<input type="checkbox"/> Door Locks	<input type="checkbox"/> Spare Tire
<input type="checkbox"/> High-Beam Headlights	<input type="checkbox"/> Rear Brake Lights	<input type="checkbox"/> Window Locks	<input type="checkbox"/> Shotgun/Rifle
<input type="checkbox"/> Left Front Turn Signal	<input type="checkbox"/> Left Rear Turn Signal	<input type="checkbox"/> Windows	<input type="checkbox"/> Stop - Sticks
<input type="checkbox"/> Right Front Turn Signal	<input type="checkbox"/> Right Rear Turn Signal	<input type="checkbox"/> Mirrors	<input type="checkbox"/> Fire Extinguisher Expires _____
<input type="checkbox"/> Spotlight	<input type="checkbox"/> License Plate Light	<input type="checkbox"/> Dash	
<input type="checkbox"/> Windshield		<input type="checkbox"/> Horn	

Comments/Repairs: \_\_\_\_\_  
\_\_\_\_\_

#### In-Car Video Camera: ☐ Digital List any problems in the comment section below.

☐ In-Car Unit ☐ Overhead Unit ☐ Video ☐ Audio

Comments/Repairs: \_\_\_\_\_  
\_\_\_\_\_

#### Radars: Ensure radar unit is working properly (Including calibration check) and tuning forks are w/unit.

☐ Counting Unit ☐ Radar Antenna ☐ Tuning Forks No.: \_\_\_\_\_ ☐ Calibrated

Comments/Repairs: \_\_\_\_\_  
\_\_\_\_\_

#### Lightbar: Inspect the light bar and all related equipment to it. List any problems/repairs in the comment section.

<input type="checkbox"/> Rotators/Light Pods	<input type="checkbox"/> Left Alley	<input type="checkbox"/> Air Horn
<input type="checkbox"/> Arrowstik	<input type="checkbox"/> Right Alley	<input type="checkbox"/> Wail
<input type="checkbox"/> Wig-Wags	<input type="checkbox"/> Takedowns	<input type="checkbox"/> Yelp

Comments/Repairs: \_\_\_\_\_  
\_\_\_\_\_

#### Supervisor/Officer Acknowledgement: By signing this form you acknowledge that the above listed items have been checked and Are in proper working order unless otherwise noted in the comment sections.

\_\_\_\_\_  
Sergeant / Acting Supervisor      Date

\_\_\_\_\_  
Officer      Date

FILE/CASE # \_\_\_\_\_  
G NEG NCIC/NMCIC

## HOBBS POLICE DEPARTMENT REQUEST TO INSPECT PUBLIC RECORDS

TO: CUSTODIAN OF RECORDS  
AMY CRESS, RECORDS ADMINISTRATOR  
300 N. Turner  
HOBBS, NM 88240

REQUESTING: Name: \_\_\_\_\_  
PERSON: Date of Birth: \_\_\_\_\_  
Drivers License or Social Security Number: \_\_\_\_\_  
\_\_\_\_\_  
Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

I would like to review and/or of copy the following documents (describe with "reasonable Particularity" (i.e. date of incident, location of incident, person involved, date of arrest, arrest charge(s), or name of person arrested)).

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Any person receiving this information from the Hobbs Police Department assumes full responsibility for complying with all applicable laws and regulations concerning dissemination.

The Hobbs Police Department assumes no responsibility for misuse of this information by any person or agencies not under the control of the Hobbs Police Department.

If you do not maintain these public documents, please provide below the proper custodian's name and address.

Thank You

Requestor ☒ \_\_\_\_\_ Date \_\_\_\_\_

H.P.D. Processing Officer \_\_\_\_\_ Date \_\_\_\_\_



## Instructions for completing a REQUEST TO INSPECT ARREST RECORDS FORM

When an individual comes to the lobby of the Police Department, requesting a copy of a specific arrest from their file or a clearance letter, a request to inspect records form must be completed. The requesting party **MUST** provide a picture ID before receiving any copies. The individual requesting a copy of a specific arrest from their file will follow the below instructions to complete the form:

1. Provide proper picture ID.
2. Put their Name, DOB, and SS # in the spaces indicated on the top portions of the request form. The identification number will be filled in by the department personnel assisting with the request.
3. Put the current date.
4. Put a specific description of the arrest report being requests, such as date and charge, and sign the form at the bottom where it says Requesting Person Signature.

The individual requesting a clearance letter will follow the below instructions to complete the form.

1. Provide proper ID.
2. Put their Name, DOB, and SS # in the spaces indicated on the top portions of the request form. The identification number will be filled in by the department personnel assisting with the request.
3. Put the current date.
4. Put a specific description of what is being requested, such as a Clearance Letter for employment, and sign the form at the bottom where it says Requesting Person Signature.

The department personnel that is assisting the requesting party will follow the below instructions to have the form completed.

1. Get a picture ID. View the ID, and put the ID number in the provided space.
2. Look the person up in the computer and if they have an arrest file, put the arrest file number in the top corner of the request form. If the person is wanting a copy of a specific arrest, pull the file and make a copy of the requested paper work.
3. Sign and date the request form and place it in the arrest file.
4. If the requesting person is wanting a clearance letter, print the letter and have the requesting person review and complete the clearance letter. Put the ID number on the clearance letter and sign and date it.
5. When a person, who has never been arrested, request a clearance letter, follow the above instructions and the form will be kept and placed in a designated file in Records.
6. The requesting person will keep the original clearance letter. You do not need to make a copy as the request to inspect form will be placed in the file.

**CITY OF HOBBS**  
**NOTICE OF AND CONSENT TO REMOVAL OF GRAFFITI**

I am the (OWNER) (AGENT OF THE OWNER) (OCCUPANT) of the property located at \_\_\_\_\_ in the City of Hobbs. There is graffiti on this property which is visible from the public right-of-way or from City owned land which should be removed. I understand that under City of Hobbs Ordinance No. 994, effective 18 July 2008, I have the option of removing the graffiti myself within 30 days of this Notice or I may consent to removal of the graffiti by the City at no cost to me. I understand that the City removal of the graffiti will be by means of a high pressure soda wash only.

---

I hereby give my full consent to the City of Hobbs for the removal of the graffiti located on the property listed above. I understand that the area cleaned of graffiti may appear different from the surrounding surfaces in color, texture or other ways. I hereby waive any claim that might be asserted against the City of Hobbs for any property damage of any kind whatsoever arising out of the said removal of graffiti and my waiver hereto is in consideration of the service being provided.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

---

I hereby provide notice to the City of Hobbs that I accept full responsibility for the removal of the graffiti existing on the above location as of the date of this Notice within 30 days from today. I understand that my failure to completely remove the graffiti within this time period will be a deemed consent for the City to enter the property and remove or completely obliterate the graffiti with no further notice to me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

---

Property Owner's Information (if different from location and name above):

Name (printed): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

# HOBBS POLICE DEPARTMENT TRAVEL/TRAINING REQUEST FORM

**Date of Request:** \_\_\_\_\_

(Request must be submitted 2 weeks before date of training)

**TRAVELER:** \_\_\_\_\_

**DESTINATION:** \_\_\_\_\_

**NAME OF SCHOOL/TRAINING:** \_\_\_\_\_

**DATE LEAVING:** \_\_\_\_\_ **DATE RETURNING:** \_\_\_\_\_

**TIME LEAVING:** \_\_\_\_\_ **TIME RETURNING:** \_\_\_\_\_

## **REGISTRATION**

### **INCLUDE ONE OF THE FOLLOWING:**

Completed registration form: \_\_\_\_\_

Website for on-line registration: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**REGISTRATION FEE:** \$ \_\_\_\_\_ **CHECK PAYABLE TO:** \_\_\_\_\_

## **LODGING**

Traveler is required to reserve their own hotel rooms. If going Actual Expenses, traveler must attach an email confirmation of reservation that includes **Name and Address of Hotel; Total Price including tax; Name of Traveler.**

## **DOCUMENTATION**

Traveler must submit class/training information along with this request. Information must contain dates of training and location.

**NOTE:** *You have 5 days to close out your travel after you return. If going Actual Expenses – you must keep receipts and turn them in upon closing. Gas cards and Gas receipts should be turned in to the Chief's Administrative Assistant.*

## **ADMINISTRATION ONLY**

**EMPLOYEE'S DIVISION COMMANDER'S APPROVAL** \_\_\_\_\_

**FUNDS: (circle one)**      GENERAL FUND      LEPF

**APPROVED FOR: (circle one)**      PER DIEM      ACTUAL

**CHIEF OF POLICE** \_\_\_\_\_

## Cost Comparison Form

### Per-Diem vs Actual Expenses

Travel will be figured on a 24 hour day. **EXAMPLE** (If travel starts at 12pm on Monday and you return at 6pm Wednesday, you have a 2 day travel. Any extra hours will be factored in when you close out your travel) **Traveler must make their own hotel reservations and provide confirmation along with this request.**

PER DIEM COSTS	ACTUAL EXPENSES
1. Location Rate per day \$	1. Room rate per day including tax \$
2. Number of Days -	2. Number of days -
3. TOTAL COST =	3. Total room rate =
	4. Food expense days at \$30.00 per day (IN-STATE) \$45 (OUT-OF STATE) (Full days only)
	5. Total food costs =
	6. TOTAL COSTS (line 3+5)=
More than one traveling Y/N	More than one traveling Y/N    Number =
	Share room Y / N
TOTAL COSTS = (For more than one)	TOTAL COSTS = (For more than one)

**AIR FARE:** Airline \_\_\_\_\_  
Cost \_\_\_\_\_

<b>Meals Only</b>	\$30.00 per 24 hr period
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**Reminder:** No reimbursement for tipping. No reimbursement for lost receipts

**Overnight Travel Per Diem:**

<b>In State areas</b>	<b>\$85.00</b>
<b>In State special area (Santa Fe)</b>	<b>\$135.00</b>
<b>Out of State areas</b>	<b>\$115.00</b>

HOBBS POLICE DEPARTMENT  
DETENTION FACILITY  
REQUEST TO STRIP SEARCH

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_

ARRESTEE: \_\_\_\_\_  
LAST NAME FIRST NAME MIDDLE INITIAL

D.O.B. \_\_\_\_\_ SEX: \_\_\_\_\_ RACE: \_\_\_\_\_

It is NOT the Department's policy that all arrestee's be strip searched upon entering this facility. A strip search of even *minor misdemeanor offenders* may be conducted if an officer has an *individualized reasonable suspicion* that an arrestee is carrying or is concealing contraband. Individualized reasonable suspicion must be based upon one or more of the reasons listed in the request section below. ***Officers must obtain supervisor's approval prior to conducting a strip search.***

A STRIP SEARCH OF THE ABOVE NAMED ARRESTEE IS REQUESTED BECAUSE OF ONE OR MORE OF THE FOLLOWING REASONS:

- \_\_\_\_\_ 1. The arrestee's actions \_\_\_\_\_ 2. Statements made by arrestee  
\_\_\_\_\_ 3. The arrestee's past record \_\_\_\_\_ 4. The nature of the arrestee's charge

EXPLANATION of the items checked \_\_\_\_\_ :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Requesting officer: \_\_\_\_\_ ID # \_\_\_\_\_

\_\_\_\_\_ Approved

\_\_\_\_\_ Not Approved

Supervisor \_\_\_\_\_ ID # \_\_\_\_\_

**HOBBS POLICE DEPARTMENT  
APPLICATION FOR WORK DETAIL/TRUSTEE**

Date: \_\_\_\_\_ Name: \_\_\_\_\_

D.O.B.: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

\*\*\*\*\*

Emergency Contact:      Name: \_\_\_\_\_  
                                 Relationship: \_\_\_\_\_  
                                 Address: \_\_\_\_\_  
                                 Phone Number: \_\_\_\_\_

\*\*\*\*\*

Do you have any medical problems (allergies, disabilities, etc.) which might hamper your ability to work in the Work Detail Program?      Yes      No

If you answered yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do you agree to sign a waiver of liability?      Yes      No

What is the charge you are in jail for? \_\_\_\_\_  
\_\_\_\_\_

Have you been sentenced?      Yes      No

How long is your sentence? \_\_\_\_\_

*(Only those individuals who are currently serving a sentence are eligible for this program.)*

\_\_\_\_\_  
Signature

\*\*\*\*\*

***The back page to be completed by the Chief Detention Officer and the Division Commander.***

\_\_\_\_\_ This prisoner is acceptable and meets the established criteria for the Work Detail Program both inside and outside the Hobbs Detention Facility.

\_\_\_\_\_ This prisoner is acceptable and meets the established criteria for the Work Detail Program limited to work inside the Hobbs Detention Facility.

\_\_\_\_\_ This prisoner is denied work in the Work Detail Program for the following reasons:

\_\_\_\_\_  
Chief Detention Officer

\_\_\_\_\_  
Division Commander

Attachments: Criminal History

Master Name/Associated Reports/Persons Display

Liability Waiver

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release Policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

## WAIVER OF LIABILITY

Agreement assuming risk of injury or damage, Waiver and Release of Claims:

1. I am aware that while working as a volunteer in the Work Detail program with the City of Hobbs Detention Facility, I am willing to accept responsibility for personal injury for any injuries I might incur or cause to anyone else.
2. I freely, voluntarily and with such knowledge, do hereby agree that the City of Hobbs, New Mexico, the City Commission of the City of Hobbs, its individual commissioners, and its officers, employees and agents, their sureties and each of them, shall not be responsible or liable for any injury to me while I perform the duties of any community service.

I hereby represent that I have carefully read and understand the contents of this document and sign the same of my own free will.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

STATE OF NEW MEXICO)

) ss.

COUNTY OF LEA )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public

(Form # 5-1 XIb; rev. 6-1-96)



HOBBS POLICE DEPT.  
VOCATIONAL INCENTIVE REQUEST

<hr style="border: none; border-top: 1px solid black;"/>		<hr style="border: none; border-top: 1px solid black;"/>	
Employee Name		Social Security Number	
<hr style="border: none; border-top: 1px solid black;"/>		<hr style="border: none; border-top: 1px solid black;"/>	
Vocational Training/Instruction Title:	Date:	Location	Hours
<hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black;"/>
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Total Training Hours: 

---

Total Hours Annual Leave Approved: 

---

\*40 Hours training = 8 hours Annual Leave

Attach verification of the training/instruction and hours. Submit to your immediate supervisor.

---

Employee Signature                      Date

---

Supervisor Signature                      Date

---

Division Commander                      Date

---

Support Services Lieutenant                      Date

---

Personnel Director                      Date

---

City Manager                      Date

CHAPTER 29  
LAW ENFORCEMENT  
ARTICLE 14  
PEACE OFFICER'S EMPLOYER-EMPLOYEE RELATIONS

29-14-1. Short title

Sections 1 through 11 [29-14-1 to 29-14-11 NMSA 1978] of this act may be cited as "Peace Officer's Employer-Employee Relations Act."

29-14-2 Findings and purpose

A. The legislature finds and declares that effective law enforcement is dependent upon the maintenance of stable relations between peace officers and their employers. Moreover, the existence of stable relations between peace officers and their employers will enhance law enforcement services provided to the citizens of New Mexico.

B. The purpose of the Peace Officer's Employer-Employee Relations Act [29-14-1 NMSA 1978] is to prescribe certain rights for peace officers, particularly when they are placed under investigation by their employer.

C. Provisions of this act only apply to administrative actions and shall not apply to criminal investigations of a peace officer except as provided in Section 8 [29-14-8 NMSA 1978] of this act.

29-14-3. Definition

As used in the Peace Officer's Employer-Employee Relations Act [29-14-1 NMSA 1978], "peace officer" or "officer" means any employee of a police or sheriff's department that is part of or administered by the state or any political subdivision of the state who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the state.

29-14-4. Investigations of peace officers; requirements.

When any peace officer is under investigation by his employer for alleged actions that could result in administrative sanctions being levied against the officer, the following requirements shall be adhered to:

A. any interrogation of an officer shall be conducted when the officer is on duty or during his normal working hours, unless the urgency of the investigation requires otherwise;

B. any interrogation of an officer shall be conducted at the employer's facility, unless the urgency of the investigation requires otherwise;

C. prior to commencement of any interrogation session:

(1) an officer shall be informed of the name and rank of the person in charge of the interrogation and all other persons who will be present during the interrogation;

(2) an officer shall be informed of the nature of the investigation, and the names of all known complainants shall be disclosed to the officer unless the chief administrator of the officer's employer determines that the identification of the complainant shall not be disclosed because it is necessary for the protection of an informant or because disclosure would jeopardize or compromise the integrity or security of the investigation; and

(3) a reasonable attempt shall be made to notify the officer's commanding officer of the pending interrogation;

D. during any interrogation session, the following requirements shall be adhered to:

(1) each interrogation session shall not exceed two hours unless the parties mutually consent to continuation of the session;

(2) there shall not be more than two interrogation sessions within a twenty-four hour period, unless the parties mutually consent to additional sessions, provided that there shall be at least a one-hour rest period between the sessions;

(3) the combined duration of an officer's work shift and any interrogation session shall not exceed fourteen hours within a twenty-four hour period, unless the urgency of the investigation requires otherwise;

(4) there shall not be more than two interrogators at any given time;

(5) an officer shall be allowed to attend to physical necessities as they occur in the course of an interrogation session; and

(6) an officer shall not be subjected to offensive language or illegal coercion by his interrogator in the course of an interrogation session;

E. any interrogation of an officer shall be recorded, either mechanically or by a stenographer and the complete interrogation shall be published as a transcript; provided that any recesses called during the interrogation shall be noted in the transcript; and

F. an accurate copy of the transcript or tape shall be provided to the officer, upon his written request, no later than fifteen working days after the investigation has been completed.

29-14-5. Polygraph examinations.

After reviewing all of the information collected in the course of an investigation of a peace officer, the chief administrator of the officer's employer may order the officer to submit to a polygraph examination administered by a licensed polygraph examiner provided that;

- A. all other reasonable investigative means have been exhausted; and
- B. the officer has been advised of the administrator's reasons for ordering the polygraph examination.

29-14-6 Investigations of administrative matters.

When any peace officer is under investigation for an administrative matter, the officer shall be permitted to produce any relevant documents, witnesses or other evidence to support his case and he may cross-examine any adverse witness during any grievance process or appeal involving disciplinary action.

29-14-7. Personnel Files

A. No document containing comments adverse to a peace officer shall be entered into his personnel file unless the officer has read and signed the document. When an officer refuses to sign a document containing comments adverse to him, the document may be entered into the officer's personnel file if:

- (1) the officer's refusal to sign is noted on the document by the chief administrator of the officer's employer; and
- (2) the notation regarding the officer's refusal to sign the document is witnessed by a third party.

B. A peace officer may file a written response to any document containing adverse comments entered into his personnel file and the response shall be filed with the officer's employer within thirty days after the document was entered into the officer's personnel file. A peace officer's written response shall be attached to the document.

29-14-8. Constitutional rights; notification.

When any peace officer is under administrative investigation and a determination is made to commence with a criminal investigation, he shall be immediately notified of the investigation and shall be afforded all the protections set forth in the bill of rights of the United States and New Mexico constitutions.

29-14-10. Political activity.

A. A peace officer shall not be prohibited by his police or sheriff's department employer from engaging in any political activity when the officer is off duty, except as otherwise required by law.

B. Notwithstanding the provisions of Subsection A of this section, any peace officer employed by the New Mexico state police department shall be governed by the provisions of regulations adopted by the department regarding political activity.

29-14-11. Exercise of rights.

A peace officer shall not be subjected to any retaliation by his employer due to the officer's lawful exercise of his rights under the Peace Officer's Employer-Employee Relations Act [29-14-1 NMSA 1978]

\_\_\_\_\_  
Police Employee Printed Name

\_\_\_\_\_  
Police Employee signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

**HOBBS POLICE DEPARTMENT  
INTERNAL INVESTIGATION WARNING**

I wish to advise you that you are being questioned as part of an official investigation of the Hobbs Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for sworn office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not be compelled to incriminate yourself. I further wish to advise you that if you refuse to testify or answer questions relating to the performance of you official duties or fitness for duty, you will be subject to departmental charges which could result in your dismissal from the Hobbs Police Department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceedings, except perjury or obstruction of justice. \* However, these statements may be used against you in relation to subsequent departmental charges.

Finally, all statements, information and evidence gained by reason of this internal investigation will remain confidential with the City of Hobbs, and the City of Hobbs will not disclose the same unless otherwise ordered to do so by a court of law.

I have read the above listed warning and the New Mexico Statutes governing Peace Officer's Employer-Employee Relations; Sections 29-14-1 through 29-14-1-14

\_\_\_\_\_  
Police Employee Printed Name

\_\_\_\_\_  
Police Employee Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

\*See United States v. Veal, 153 F3d 1233 (11C.A.-1998)

## ***BADGE REQUEST FORM***

DATE: \_\_\_\_\_

I, \_\_\_\_\_, am requesting to purchase badge # \_\_\_\_\_, which is a \_\_\_\_\_ (patrol, sergeant, lieutenant, etc.) badge. This purchase is from the badge company provider and not from the Hobbs Police Department. I do fit the requirements for purchase as mandated in Chapter 3, Section 17, paragraph X., of the Hobbs Police Department Rules and Regulations, and paraphrased below:

"Permission will only be granted to those personnel who are currently employed with the Hobbs Police Department and vested with ten or more years of employment time with the department or those who have retired from the Hobbs Police Department or retired from another department after having worked three or more years for the Hobbs Police Department during their career."

I understand that the cost of the badge will include any shipping cost.

I further agree that this badge will be used for official purposes only, in accordance with the Hobbs Police Department Rules and Regulations, while I am employed with the Hobbs Police Department, and that it will not be used for official purposes after I leave employment with the Hobbs Police Department.

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

Approved \_\_\_\_\_

Not Approved \_\_\_\_\_

\_\_\_\_\_  
Chief of Police

\_\_\_\_\_  
Date

TO WHOM IT MAY CONCERN:

You have elected to exercise your right to an independent blood test. That blood sample has been collected and is currently being maintained in evidence at the Hobbs Police Department.

It is your responsibility to notify either Officer \_\_\_\_\_ or the Patrol Services shift supervisor of the name and address of the laboratory to which you want the blood sample sent for analysis.

We would appreciate your cooperation in providing us with the necessary information as soon as possible.

If you have questions in regard to this matter, contact:

\_\_\_\_\_  
Officer  
Hobbs Police Department  
(505) 397-9265

This is a copy of a document maintained by the Records  
Section of the Hobbs Police Department and released in  
accordance with specific Hobbs Police Release Policy. Use of  
this information may be restricted or limited by law and  
the holder assumes responsibility for compliance with  
such laws.

TO WHOM IT MAY CONCERN:

\_\_\_\_\_ was arrested by the Hobbs Police Department on \_\_\_\_/\_\_\_\_/\_\_\_\_ for DWI. He/she requested a blood sample to be taken so he/she could have it tested by an independent laboratory. They have contacted our department and requested your agency be sent their blood sample so it can be tested to determine the blood alcohol concentration.

The blood sample was drawn on \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_\_ hours.

Please send a copy of the test results to the following:

\_\_\_\_\_  
Defendant's name

\_\_\_\_\_  
Mailing address

\_\_\_\_\_  
City, State Zip Code

and also:

Officer \_\_\_\_\_  
Hobbs Police Department  
300 N. Turner  
Hobbs, N.M. 88240

Thank you for your assistance.

\_\_\_\_\_  
Officer  
Hobbs Police Department

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific public release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

In order to continue to provide the best possible service to the community and continue providing community education which is based upon the needs of the community, we are asking you to take a few moments to evaluate this presentation.

Evaluate and answer each question based on the following scale:

- 1—poor;  
2—below average;  
3—average;  
4—above average;  
5—excellent

Speaker Name \_\_\_\_\_

Presentation Topic \_\_\_\_\_

1. How would you rate this speaker?

Method of presentation	1	2	3	4	5
Use of handouts	1	2	3	4	5
Topic knowledge	1	2	3	4	5

2. How would you rate the information presented?

Timeliness	1	2	3	4	5	
Pertinent	1	2	3	4	5	
Accurate	1	2	3	4	5	
Quality of handouts	N/A	1	2	3	4	5

3. Did this presentation meet your needs? \_\_\_\_yes \_\_\_\_no

If not why? \_\_\_\_\_

4. Are there other areas of concern which the Hobbs Police Department might be able to address?

5. Comments:

\_\_\_\_\_  
Name (optional)



### Worthless Checks

The District Attorney's Office and the City Attorney will not accept for Prosecution the following checks:

1. Checks with no identification, or improper identification. Two forms of identification are needed, of which one should bear a photograph (example--drivers license or an identification card).
2. Checks where partial payment has been accepted, regardless of the amount.
3. Post-dated checks or checks you agreed to hold until a specific date.
4. Checks given in payment of pre-existing debt, for example checks given in payment for goods previously delivered.
5. Two-party checks (checks issued by one person to another, endorsed and tendered to be cashed or used as payment).
6. Checks held longer than ninety (90) days unless there is an existing active case in the District Attorney's or City Attorney's Office, or extenuating circumstances exist.

When a check is returned to your business for insufficient funds or account closed, send a certified letter (return receipt requested) to the last known address you have for the check writer. The check writer should be given 3 working days to respond to your letter, if no response is made within this time period or the letter is returned to you undeliverable a worthless check form can be completed. It is important to complete the form as completely as possible.

Upon completing the form bring the form to the police department and an officer will review the form and if all the paper work is present will accept the report. The accepting officer will be looking for the following information:

1. were two forms of identification taken;
2. is the personal information on the individual accepting the check complete;
3. can the acceptor identify the check writer;
4. is the form complete.

The following also needs to be attached to the check form:

1. a copy of the check front and back;
2. a copy of the certified letter;
3. a copy of the return receipt.

If you have more than one check written by the same person you may include all checks on one form if they are all within the same monetary break downs, such as

1. over \$100.00
2. \$25.01 to \$100.00
3. \$25.00 or less.

The monetary break down is listed on the top of the worthless check form. If the check amounts are within different categories they must be listed on separate forms.

Below is a copy of a sample letter that can be used. (It is a violation of the law to include in the notice a threat to institute criminal proceedings unless payment is made within a specified period of time.)

Date:

From:

To:

Address:

You are hereby notified that a check(s) given to us and/or cashed by us dated \_\_\_\_\_ in the amount(s) of \$ \_\_\_\_\_ has been presented to the bank for payment and has been returned to us unpaid for the following reasons: \_\_\_\_\_.

We request that you come to the store to redeem the check(s) or send us a money order or cashier's check in the amount of \$ \_\_\_\_\_ which includes a \$ \_\_\_\_\_ service charge per check.

Please give this your prompt attention as this is your **THREE DAY**, legal notice.

**HOBBS POLICE DEPARTMENT  
CONSULAR NOTIFICATION FORM**

**DATE:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

**TO:** Embassy/Consulate of \_\_\_\_\_ (Country) in \_\_\_\_\_ (City),  
\_\_\_\_\_ (State)

**SUBJECT: NOTIFICATION OF ARREST/DETENTION OF A NATIONAL OF YOUR COUNTRY**

**FROM:**

**Name & Office:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **300 N. Turner** \_\_\_\_\_

**City, State, Zip Code:** \_\_\_\_\_ **Hobbs, New Mexico 88240** \_\_\_\_\_

**Telephone:** ( 575 ) \_\_\_\_\_ **397-9265** **Fax:** ( 575 ) \_\_\_\_\_ **397-3867** \_\_\_\_\_

**We arrested/detained the following foreign national, whom we understand to be a national of your country,**  
**on** \_\_\_\_\_, \_\_\_\_\_.

**Mr./Ms.** \_\_\_\_\_

**Date of birth:** \_\_\_\_\_ **Place of Birth:** \_\_\_\_\_

**Passport Number:** \_\_\_\_\_ **Date of Passport Issuance:** \_\_\_\_\_

**Place of Passport Issuance:** \_\_\_\_\_

**To arrange for consular access, please call the Support Services Commander between the hours of 8 a.m. and 5 p.m. Please refer to case number \_\_\_\_\_ when you call.**

**Comments:**



# HOBBS POLICE DEPARTMENT

301 N. DALMONT • HOBBS, NM 88240 • (505) 397-9265 • FAX (505) 397-1988 • [www.hobbspd.com](http://www.hobbspd.com)

The Department receives requests for officers to work special events that require that officer(s) be dedicated solely to that event. This duty is called "Special Detail" and will be worked only under the following guidelines:

## **DEFINITIONS:**

**Mandatory Special Detail:** Duty which, due to the nature of the event, must be filled and to which officers will be assigned to work. The event must fall within one or more of the following categories:

1. Any event held on city owned property; or
2. Any City sponsored event; or
3. Any event that is deemed a serious safety hazard to the public.

**Non-Mandatory Special Detail:** Any Special Detail that does not fall within the Mandatory Special Detail category and for which scheduling is done strictly on a volunteer basis. If the duty is not adequately staffed (i.e., only one officer signed up for duty that requires two), the duty will not be worked.

**Departmental Authority:** Based on the size and nature of the event, the Hobbs Police Department makes the final determination as to the number of officers that are sufficient for the event. The requesting organization or individual must pay for the number of officers required or the duty will not be worked. During the event, supervision and control of agency personnel will remain with the Department; and, any Departmental equipment/facilities required for this event will only be used by Department personnel in accordance with Departmental policies.

## **PAYMENT RESPONSIBILITIES:**

A. Special Detail is billed at \$37.25 per officer per hour. This rate is based upon an average police officers' overtime pay rate plus F.I.C.A. tax. The hourly rate will be reassessed annually on July 1<sup>st</sup>.

B. All special detail is paid directly to the police officer(s) working the duty.

Payment is expected at the time the service is rendered.

Individuals or organizations requesting services will be encouraged to contact the on-duty patrol supervisor prior to the event date(s) to determine whether the duty has been filled.

Individuals or organizations that request officer(s) for Special Detail are required to sign a written agreement with the Hobbs Police Department at least two weeks prior to the date(s) of the event (this requirement may be waived under emergency circumstances).

**CONTRACT BETWEEN THE CITY OF HOBBS AND  
\_\_\_\_\_  
FOR  
POLICE OFFICER SPECIAL DETAIL**

THIS CONTRACT is made the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Hobbs Police Department, Hobbs, New Mexico, located in Lea County, New Mexico (hereinafter referred to as "HPD") and \_\_\_\_\_ (hereinafter referred to as "Event Sponsor").

**RECITALS:**

WHEREAS, the Event Sponsor has a need for Hobbs Police Officers to be present at the Event, identified herein, and provide law enforcement services for the duration of the Event; and

WHEREAS, HPD provides these services in conformity with its Special Detail Guidelines and this Contract.

The parties to this Contract, in consideration of their mutual promises, agree as follows:

**1. SCOPE OF SERVICES**

A. HPD shall provide law enforcement services, subject to the provisions contained in this Contract, at the following Event:

\_\_\_\_\_  
\_\_\_\_\_

B. The date, time (start, end) and location of this Event are as follows:

\_\_\_\_\_  
\_\_\_\_\_

C. The contact information for the Event Sponsor (name, mailing address and telephone number) is: \_\_\_\_\_

\_\_\_\_\_

D. HPD has determined that \_\_\_\_ police officer(s) are required to provide services at the Event. The HPD has further determined that the Event qualifies as Mandatory / Non-Mandatory Special Detail. If, on the day before the Event, HPD deems that there are insufficient police officers who have signed up for Non-Mandatory Special Detail, no law enforcement services will be provided by HPD, and this Contract shall become null and void at the sole discretion of HPD.

**2. FEE FOR SPECIAL DETAIL**

Event Sponsor shall pay \$37.25 per hour, per police officer who worked the event. Payment shall be made in full directly to the police officer working the event.

3. STATUS OF POLICE OFFICER

All Police Officers providing Special Detail for this Event are employees of the City of Hobbs engaged in law enforcement activities, including, but not limited to, enforcing all state laws and local ordinances and generally keeping the peace. These Police Officers are obligated to abide by the Hobbs Police Department Rules and Regulations, state law and local ordinances at all times.

4. INDEMNIFICATION

Event Sponsor agrees to and shall indemnify, defend and hold the City of Hobbs, the City Commission of the City of Hobbs, its individual commissioners, its officers, employees and agents harmless from any and all causes of action, suits, claims, judgments, losses, costs, expenses, and liens of every kind and nature, including, but not limited to court costs and attorney's fees, arising or alleged to have arisen due to activities of the Event. HPD's provision of law enforcement services for the Event in no way creates a partnership or co-sponsorship with Event Sponsor.

5. MISCELLANEOUS PROVISION

A. Event Sponsor agrees to pay the City of Hobbs reasonable costs, including court fees and attorney's fees, incurred by the City of Hobbs in the enforcement of this Contract.

B. If any part of this Contract shall be in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

C. Jurisdiction and venue relating to any litigation or dispute arising out of this contract shall be in Lea County, New Mexico only.

IN WITNESS WHEREOF, the parties hereto have executed this Contract the day and year first above written.

THE CITY OF HOBBS, NEW MEXICO

JD Sanders, Chief of Police

EVENT SPONSOR

By:

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

CIR#: \_\_\_\_\_

### CONSENT FOR SEARCH AND SEIZURE

I, the undersigned, do hereby voluntarily consent that the officers securing this consent may search my

\_\_\_\_\_ located at \_\_\_\_\_

together with all the contents thereof. I have been advised that I do not have to give this consent and that anything found as a result of such search, the possession of which amounts to a crime under the Statutes of the State of New Mexico, or which may become involved in criminal proceeding against me or others, may be retained by the officers as evidence.

A search may require dismantling of objects, panels and etc. I hereby give consent that the officers may perform an in-depth search of the property described herein, at this time, which may require dismantling. I further affirm that there has been no threat or coercion used against me to gain this consent. I voluntarily submit and subject the aforementioned property for search and seizure of my own free will.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

This is a copy of a document maintained by the Records Section of the Hobbs Police Department and released in accordance with specific Records Release policy. Use of this information may be restricted or limited by law and the holder assumes responsibility for compliance with such laws.

\_\_\_\_\_  
Person giving consent

FECHA: \_\_\_\_\_  
HORA: \_\_\_\_\_  
LOCALIZACION: \_\_\_\_\_  
CIR NO.: \_\_\_\_\_

### CONSENTIMIENTO DE BUSQUEDA Y CAPTURA

Mediante mi suscripcion manifiesto que consiento, voluntariamente, que todo oficial que me propuso el presente consentimiento realice una busqueda o registro de mi \_\_\_\_\_  
\_\_\_\_\_ localizade en \_\_\_\_\_  
\_\_\_\_\_, junto con el contenido del bien indicado.

Declaro que seguen se me avisa no estoy obliglado o dar mi consentimeinto y que el oficial puede detener como prueba cualquier cosa encontrada como resultado de la busqueda o registro, si consta la posesion de tal cosa un crimen bajo los estatados del estado de Nuevo Mexico o si tal puede involucrarse en un proceso penal en mi contra o en contra de otros.

Declaro que entiendo que lo busqueda y registro podran exigir el desarme o desmantelacion de las piezas, cubiertas, etc., de la cosa bajo busqueda o registro. Mediante el presente consentimiento, permito que, de momento, realice el oficial un reegistro profundo del bien indicado y entiendo que tal registro puede conducir a un desarme del bien. Afirmo asimismo que no he dado el pesente consentimiento bajo amenaza o por fuerza indebida. De mi libre voluntad, ofrezco el dicho bien a la busqueda, registro, captura, y detencion.

*This is a copy of a document  
Section of the Hidalgo Police Department. It is not a  
agreements with specific individuals. It is not a  
this information may be retained. I or limited liability  
the holder assumes responsibility for compliance with  
such laws*

\_\_\_\_\_  
Cedente

TESTIGOS:

\_\_\_\_\_  
\_\_\_\_\_



This is to inform you about the insurance sticker you were issued by the officer investigating your accident. The following information is in compliance with the Mandatory Financial Responsibility Act (66-5-205.1)

The investigating officer will turn your plate over to the Motor Vehicle Department. You will need to go to the Motor Vehicle Department in Hobbs within fifteen (15) days and show evidence of financial responsibility, since your plate was turned over to this office. There will be a \$25.00 reinstatement fee, which you must pay before the Motor Vehicle Department will replace your license plate. In addition to the reinstatement fee, you will be charged the fee for a new license plate.

If you had insurance and it was in effect at the time of the accident, the Department of Motor Vehicles will waive the reinstatement fee, however you will still be charged the fee for a new license plate.

It should be noted the red/orange sticker does not give you permission to drive the vehicle, as it is illegal to operate a motor vehicle within the state of New Mexico without Liability Insurance.

If you have any questions contact the Motor Vehicle Department at 397-9213. The Motor Vehicle Department is located in the City Hall Building at 300 N. Turner.

This is a copy of the Police Report filed by the Records  
Section of the Hobbs Police Department. It is not to be  
distributed to anyone other than the person who  
this information may be required or limited by  
the law for insurance responsibility for compliance with  
such laws

## STATEMENT OF FACTS

This is a copy of a document maintained by the Records  
Section of the Municipal Police Department and released in  
accordance with public records laws. Use of  
this information may be restricted or limited by law and  
the holder assumes responsibility for compliance with  
such laws.

During my contact with the Hobbs Police Department as an Informant, I, the undersigned, do hereby agree to be bound by the following conditions and procedures during the period of time of supplying any information.

- 1) I acknowledge and understand that I have no police powers under the State of New Mexico, the County of Lea, or City of Hobbs, New Mexico and have no authority to carry a weapon while involved in any activity as an Informant.
- 2) I understand that my contact with the Hobbs Police Department does not afford me any special privileges.
- 3) I understand that I shall not divulge to any person, except the investigators with whom I have contact, my status as an Informant for the Hobbs Police Department unless required to do so in court. I further understand that I am not an employee of the Hobbs Police Department nor shall I represent myself to others as an employee, representative, or agent of the Hobbs Police Department.
- 4) I acknowledge that I will have contact with the Hobbs Police Department as an Informant on a case or time basis and that any payment I receive will be for information I have provided to the Hobbs Police Department.
- 5) I further acknowledge that after making a purchase of anything of evidentiary value I will notify the investigator with whom I am in contact as soon as possible for delivery of such evident to them. I further understand that I will not be in possession of any narcotics or dangerous drugs except at the direction and control of the investigator.
- 6) I pledge that while in contact with the Hobbs Police Department I will not commit nor participate in any criminal activity, nor will I use any narcotic or illicit drug.
- 7) Finally, I understand that violation of any of the above listed provisions will be grounds for immediate suspension of any contact I might have with the Hobbs Police Department and possible criminal charges, if applicable.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Informant

\_\_\_\_\_  
Investigator/Officer

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Judge, Notary, or Other Officer Authorized  
to Administer Oaths

(form #7-8; rev. 12/01/95)

# Hobbs Police Department Firearm Release Form

Date: \_\_\_\_\_  
Report #: \_\_\_\_\_  
Firearm Brand: \_\_\_\_\_  
Firearm Model: \_\_\_\_\_  
Caliber: \_\_\_\_\_  
Serial #: \_\_\_\_\_

Officer or Detective requesting  
release of weapon: \_\_\_\_\_

Owner Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Releasing to a Third Party? Y\_\_\_\_\_ N\_\_\_\_\_

\* If Yes, "Release to Third Party Form" must be completed

Any Domestic Violence Convictions? Y\_\_\_\_\_ N\_\_\_\_\_

Any Felony Convictions? Y\_\_\_\_\_ N\_\_\_\_\_

Any pending cases or convictions? Y\_\_\_\_\_ N\_\_\_\_\_

Gun Clear NCIC? Y\_\_\_\_\_ N\_\_\_\_\_

Case Adjudicated? Y\_\_\_\_\_ N\_\_\_\_\_

Gun clear IBIS? Y\_\_\_\_\_ N\_\_\_\_\_

Attach Copy of Owner's Identification: Completed \_\_\_\_\_

Investigative Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Evidence Technician: \_\_\_\_\_

Date: \_\_\_\_\_

**HOBBS POLICE DEPARTMENT**

**SUPPLEMENTAL FIREARM RELEASE FORM**

Report #: \_\_\_\_\_

Firearm Brand: \_\_\_\_\_

Firearm Model: \_\_\_\_\_

Caliber: \_\_\_\_\_

Serial #: \_\_\_\_\_

Report #: \_\_\_\_\_

Firearm Brand: \_\_\_\_\_

Firearm Model: \_\_\_\_\_

Caliber: \_\_\_\_\_

Serial #: \_\_\_\_\_

Report #: \_\_\_\_\_

Firearm Brand: \_\_\_\_\_

Firearm Model: \_\_\_\_\_

Caliber: \_\_\_\_\_

Serial #: \_\_\_\_\_

Report #: \_\_\_\_\_

Firearm Brand: \_\_\_\_\_

Firearm Model: \_\_\_\_\_

Caliber: \_\_\_\_\_

Serial #: \_\_\_\_\_

This is a copy of a document maintained by the Records  
Section of the Hobbs Police Department and released in  
accordance with state and federal release policy. Use of  
this information may be restricted or limited by law and  
the user assumes responsibility for compliance with  
such laws.



**CITY OF HOBBS  
CONVENIENCE STORE GAS THEFT REPORT**

Non-Emergency Telephone # 575-397-9265

(BLACK INK ONLY)

Case Number \_\_\_\_\_ Call Number \_\_\_\_\_

**ABOVE CASE/CALL NUMBERS FOR POLICE USE ONLY**

DATE OF THEFT \_\_\_\_\_ DAY OF WEEK \_\_\_\_\_ TIME \_\_\_\_\_ AM/PM  
STORE NAME/NUMBER \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE NUMBER (575) \_\_\_\_\_  
CLERK NAME \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_  
CLERK SOCIAL SECURITY NUMBER \_\_\_\_\_ HOME PHONE ( ) \_\_\_\_\_  
CLERK ADDRESS \_\_\_\_\_ CITY/STATE/ZIP \_\_\_\_\_  
MANAGER NAME \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_  
MANAGER ADDRESS \_\_\_\_\_ CITY/STATE/ZIP \_\_\_\_\_ HOME PHONE \_\_\_\_\_

GAS THEFT: \_\_\_\_\_ GALLONS \_\_\_\_\_ PRICE/GAL. \_\_\_\_\_ TOTAL LOSS \_\_\_\_\_ PUMP # \_\_\_\_\_  
Regular \_\_\_\_\_ Unleaded \_\_\_\_\_ Super \_\_\_\_\_ Diesel \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

VEHICLE DESCRIPTION  
YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ TYPE: 2 DR \_\_\_\_\_ 4 DR \_\_\_\_\_ PICKUP \_\_\_\_\_ OTHER \_\_\_\_\_  
COLOR \_\_\_\_\_ LICENSE # \_\_\_\_\_ STATE \_\_\_\_\_  
REGISTRATION INFORMATION \_\_\_\_\_

SUSPECT DESCRIPTION:  
NAME \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_ AGE \_\_\_\_\_  
RACE \_\_\_\_\_ SEX \_\_\_\_\_ HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_ HAIR COLOR \_\_\_\_\_ EYE COLOR \_\_\_\_\_  
CLOTHING DESCRIPTION \_\_\_\_\_

DETAILS OF THEFT:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLEASE ANSWER THE FOLLOWING QUESTIONS:**

DOES YOUR STORE REQUIRE THE CUSTOMER TO PAY BEFORE PUMPING GAS? ☐ YES ☐ NO  
DOES STORE POLICY REQUIRE THE PUMPS REMAIN TURNED ON? ☐ YES ☐ NO  
DID YOU SEE THE THEFT TAKE PLACE? ☐ YES ☐ NO  
CAN YOU OR ANY OTHER PERSON IDENTIFY THE SUSPECT IN COURT? ☐ YES ☐ NO  
DID THE SUSPECT ATTEMPT TO PAY FOR THE STOLEN PROPERTY ☐ YES ☐ NO  
DID THE SUSPECT MAKE PARTIAL PAYMENT FOR THE STOLEN PROPERTY ☐ YES ☐ NO  
DID THE SUSPECT LEAVE WITH THE UNDERSTANDING HE/SHE COULD RETURN AND PAY LATER? ☐ YES ☐ NO  
CHECK ONE: ☐ WILL PROSECUTE ☐ WILL NOT PROSECUTE ☐ FOR INSURANCE ONLY

*I understand that making a false report to a police agency is a misdemeanor, punishable by up to 364 days in jail and/or a fine of not more than \$1,000.00.*

CLERK'S SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_  
\*\*\*\*\*DO NOT WRITE BELOW THIS LINE\*\*\*\*\*POLICE DEPARTMENT USE ONLY\*\*\*\*\*

STATUTE/ORDINANCE 9.24.070 OFFENSE LARCENY UCR CODE \_\_\_\_\_ DATE REPORTED \_\_\_\_\_ APPROVED BY \_\_\_\_\_  
REPORTING OFFICER \_\_\_\_\_ ID # \_\_\_\_\_

## Hobbs Police Department Designation of Third Party to Receive Items Seized as Evidence Acknowledgement

I, \_\_\_\_\_, acknowledge that on \_\_\_\_\_ the Hobbs Police Department had reasonable cause to seize as evidence the items listed below. I further acknowledge that as it is inappropriate or unlawful for me to possess or receive such seized items, that I hereby designate \_\_\_\_\_ to receive such items on my behalf.

In consideration of the return of such seized items, I hereby relinquish and waive any claim for damages or cause of action of any nature whatsoever against the Hobbs Police Department, as well as any employees thereof, in connection to the seizure, custody and storage of such seized items.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ DOB: \_\_\_\_\_

### Release

I, \_\_\_\_\_, hereby accept the release of the below described property which was seized from \_\_\_\_\_. I further acknowledge that \_\_\_\_\_ is currently subject to Federal and/or State firearms disabilities, and that it would be a violation of Federal and/or State law for me to deliver, return, sell, loan, or otherwise transfer any firearm(s) or ammunition to that person.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ DOB: \_\_\_\_\_

### Evidence Seized

\_\_\_\_\_  
\_\_\_\_\_

Authorizing Officer / Detective:

Releasing Evidence Technician:

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# INCIDENT SIGN-IN LOG

FILE #

<b>Incident:</b>	<b>Log Scribe:</b>	
<b>Log Started:</b>	<b>Relieved By:</b>	<b>Hrs</b>
<b>Log Ended:</b>	<b>Relieved By:</b>	<b>Hrs</b>

## ALL PERSONS NEED TO SIGN INCIDENT LOG

[illegible]





# HOBBS POLICE DEPARTMENT

301 N. DALMONT • HOBBS, NM 88240 • (505) 397-9265 • FAX (505) 397-1988 • [www.hobbspd.com](http://www.hobbspd.com)

Chris McCall  
Chief of Police

## RIDE ALONG WAIVER WAIVER OF CLAIMS FOR DAMAGE AND COVENANT NOT TO SUE

By this document, I am requesting permission to ride with a police officer of the Hobbs Police Department while the officer performs his assigned duty and patrol. I acknowledge that police officers deal with dangerous events and that riding with a police officer I may be subjected to hazardous or dangerous conditions.

I assume all risk to myself and my personal property for all personal injuries and/or damage of any personal property caused by an act or omission of the City of Hobbs or any of its employees while I am riding with the police officer. By my signature, I waive all rights to reimbursement, damages, or claims from the City of Hobbs for any injury, damage, or loss sustained by me while riding with a Hobbs Police Officer.

By my signature, I state and agree that I will not sue or otherwise claim liability from the City of Hobbs for acts or omissions during the time I am riding with a Hobbs Police Department Officer as covered by this waiver.

\_\_\_\_\_  
Signature of Rider

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Printed Name of Rider

\_\_\_\_\_  
Home Address

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Business Phone

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Business Address

### DO NOT COMPLETE THIS SECTION IF RIDER IS OVER 18 YEARS OF AGE

By my signature, I certify that I am the parent or legal guardian of the above juvenile. I further agree to the same conditions as stated above and that the shown juvenile has my permission to ride with an officer of the Hobbs Police Department.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date Signed

### THIS SECTION TO BE COMPLETED BY SHIFT COMMANDER

\_\_\_\_\_  
Date of Ride

\_\_\_\_\_  
Officer Assigned

\_\_\_\_\_  
Unit #

\_\_\_\_\_  
Shift

\_\_\_\_\_  
Shift Commander Signature

\_\_\_\_\_  
Date

**LIST ADDITIONAL COMMENTS ON BACK**

THIS SECTION TO BE COMPLETED BY REQUESTING OFFICER

REASON FOR ENTRY: ( ) DISABILITY, ( ) ENDANGERED, ( ) INVOLUNTARY, ( ) JUVENILE, ( ) VICTIM. USE CAUTION: \_\_\_\_\_ (SPECIFY IN MISC)

NAME: \_\_\_\_\_ (LAST, FIRST, M) RACE: \_\_\_\_\_ SEX: \_\_\_\_\_ POB: \_\_\_\_\_

DOB: \_\_\_\_\_ HGT: \_\_\_\_\_ WGT: \_\_\_\_\_ EYE: \_\_\_\_\_ HAIR: \_\_\_\_\_ FBI#: \_\_\_\_\_

SCAR, MARK, DATE LAST CONTACT DATE OF EMANCIP  
TATTOO: \_\_\_\_\_

SKIN: \_\_\_\_\_ FINGER PRINT: \_\_\_\_\_ NUMBERS: \_\_\_\_\_ MISC: \_\_\_\_\_

SSN: \_\_\_\_\_ LIC: \_\_\_\_\_ LIC: \_\_\_\_\_  
OLN STATE OLN YEAR VER LIC STATE YEAR

VEH TYPE VIN VEH YEAR VEH MAKE VEH MODEL

VEH STYLE COLOR: \_\_\_\_\_ MISC: \_\_\_\_\_

BLOOD TYPE CIRCUM- CISION(C/N/U): \_\_\_\_\_ FOOT PRINTS:(Y/N) \_\_\_\_\_ BODY X-RAY(F/P/N) \_\_\_\_\_ VISION Rn: \_\_\_\_\_

JEWELRY TYPE: \_\_\_\_\_

JEWELRY DESCRIPTION: \_\_\_\_\_

JUV. ONLY

MOTHER'S MAIDEN NAME: \_\_\_\_\_

NOTE: If vehicle information (VIN or LIC) is included above, requesting officer must attach copy of registration return to entry.

### MISSING PERSONS ENTRY CHECKLIST ( To be completed by Entering NCIC Operator)

- \_\_\_ 1. Pull corresponding /supplement (arrest file if applicable), and verify all information for accuracy and completeness. Attempt to fill all available fields with documented data.
- \_\_\_ 2. Run QH/QR (Criminal History) and VQ or DQ (Driver License Query) for any additional information and identifiers.
- \_\_\_ 3. Entered in local computer.
- \_\_\_ 4. If entering a juvenile (EMJ) make a supplemental entry using the mothers maiden name as an AKA.
- \_\_\_ 5. Entered in CJIS. Report printed.
- \_\_\_ 6. Birth Certificate Flag faxed and mailed.

Notes:

MISSING PERSON ENTRIES REMAIN IN NCIC UNTIL THEY ARE CLEARED OR CANCELED BY ORIGINATING AGENCY.

### PROCESSING INFORMATION

REQUEST OFFICER: \_\_\_\_\_ APPROVING SUPERVISOR: \_\_\_\_\_ DATE/TIME APPROVED: \_\_\_\_\_

ENTERED BY: \_\_\_\_\_ APP. NCIC SUPERVISOR: \_\_\_\_\_ DATE/TIME ENTERED: \_\_\_\_\_

NIC: \_\_\_\_\_

**MISSING PERSON NOTIFICATION**  
**BIRTH CERTIFICATE FLAG REQUEST FORM**  
**New Mexico Vital Records and Health Statistics**  
**(CANCELLATION)**  
**FAX (505) 827-1751**

New Mexico Vital Records and Health Statistics  
Post Office Box 26110  
Santa Fe, NM 87502

Dear State Registrar:

This report is being sent to you in accordance with the New Mexico Missing Child Reporting Act, [Section 32A-14-2 NMSA 1978]. The act states that a law enforcement agency shall notify the State Registrar, **within 24-hours (by FAX)** of a reported missing child. The law enforcement agency shall make a written notification, within three (3) days of the initial notification **(by MAIL)**.

Upon Receipt of this notice, the State Registrar shall flag the missing child's birth certificate if the child was born in the State of New Mexico. If the child is born out of State, this notice will be forwarded to that State for whatever action they deem appropriate.

In accordance with statute, the complete missing child's birth information is provided:

Name of Child:	First	Middle	Last Name
Child's Date of Birth:	Month/Day/Year	Place of Birth:	City, County, State
Birth Name of Mother:	First	Middle	Maiden Last Name
Name of father or Non-Custodial Parent:	First	Middle	Last Name

**NOTE:** (If mother is unmarried, provide the name of the Non-Custodial parent):

**REPORTING LAW ENFORCEMENT AGENCY:**

Date of Notice: \_\_\_\_\_ Case Number: \_\_\_\_\_  
Law Enforcement Agency: HOBBS POLICE DEPARTMENT  
Mailing Address: 300 N TURNER STREET, HOBBS, NM 88240  
Contact Person and Title: \_\_\_\_\_  
Telephone Number: 575-397-9265

<i>For New Mexico Vital Records and Health Statistics Use Only</i>	
Date Flagged: _____	File Number: _____

**MISSING CHILD NOTIFICATION**  
**BIRTH CERTIFICATE FLAG REQUEST FORM**  
**New Mexico Vital Records and Health Statistics**

*FAX (505) 827-1751*

New Mexico Vital Records and Health Statistics  
Post Office Box 26110  
Santa Fe, NM 87502

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In accordance with statute, the complete missing child's birth information is provided:

Name of Child:	<small>First</small>	<small>Middle</small>	<small>Last Name</small>
Child's Date of Birth:	<small>Month/Day/Year</small>	Place of Birth:	<small>City, County, State</small>
Birth Name of Mother:	<small>First</small>	<small>Middle</small>	<small>Maiden Last Name</small>
Name of Father or Non-Custodial Parent:	<small>First</small>	<small>Middle</small>	<small>Last Name</small>

**NOTE:** ( if mother is unmarried, provide the name of the Non-Custodial parent ) :

**REPORTING LAW ENFORCEMENT AGENCY:**

Date of Notice: \_\_\_\_\_ Case Number: NJ  
Law Enforcement Agency: HOBBS POLICE DEPARTMENT  
Mailing Address: 301 NORTH DALMONT HOBBS N.M. 88240  
Contact Person and Title: \_\_\_\_\_  
Telephone Number: (505) 397-9265

*For New Mexico Vital Records and Health Statistics Use Only*

Date Flagged: _____	File Number: _____
---------------------	--------------------

**New Mexico Department of Public Safety  
Missing Persons Clearinghouse Report Form**

MPCH Number: \_\_\_\_\_

Case Agency: \_\_\_\_\_ Date: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Call Taken By: \_\_\_\_\_

Caller's Name: \_\_\_\_\_

Last

First

Middle

Relationship To Missing: \_\_\_\_\_

Callers Address: \_\_\_\_\_

Number

Street

Apartment Number

City

State

Zip Code

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**Missing Category:** \_\_\_\_\_ Non Family Abduction \_\_\_\_\_ Parental Abduction \_\_\_\_\_ Runaway  
\_\_\_\_\_ Adult (18yrs or over) \_\_\_\_\_ Other - Explain: \_\_\_\_\_

**NCIC Criteria:** \_\_\_\_\_ Disability \_\_\_\_\_ Endangered \_\_\_\_\_ Involuntary \_\_\_\_\_ Juvenile  
\_\_\_\_\_ Catastrophe Victim \_\_\_\_\_ Caution Code

**Missing Persons Name:** \_\_\_\_\_

Last

First

Middle

Date Missing: \_\_\_\_\_ Time: \_\_\_\_\_ AM / PM Race: \_\_\_\_\_ Sex: M F

Place of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ HGT: \_\_\_\_\_ WGT: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Skin: \_\_\_\_\_ Scars/Marks/Tattoos: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ OLN #: \_\_\_\_\_ OL State: \_\_\_\_\_ OL Year: \_\_\_\_\_

Blood Type: \_\_\_\_\_ Fingerprints Available (where): \_\_\_\_\_

Distinguishing Features/Unique Characteristics (limp,jewelry,glasses.etc...): \_\_\_\_\_

Dental Records Available? \_\_\_\_ Yes \_\_\_\_ No Medical Records Available? \_\_\_\_ Yes \_\_\_\_ No

Mental State (depressed,suicidal,etc...): \_\_\_\_\_

Location Last Seen (include city,state): \_\_\_\_\_

Possible Destination (city,state): \_\_\_\_\_

Last Seen Wearing: \_\_\_\_\_

Hobbies & Interests: \_\_\_\_\_

Veh Yr: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_ Color: \_\_\_\_\_ Lic # & State: \_\_\_\_\_

---

Abductors/Companions Name: :

Last

First

Middle

Aliases:

Sex: M F Relationship: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Dyed: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Length: \_\_\_\_\_ Style: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Glasses/Contacts: \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Hgt: \_\_\_\_\_ Wgt: \_\_\_\_\_ Race: \_\_\_\_\_

Blood Type: \_\_\_\_\_ Right/Left Handed: \_\_\_\_\_ Fingerprints Available (where): \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Build: \_\_\_\_\_ Race: \_\_\_\_\_ Blood Type: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Distinguishing Features: \_\_\_\_\_

Additional Information:

Forward a copy of this report to the:

Attn: Andrea Trujillo  
Department of Public Safety  
Missing Person's Information Clearinghouse  
Law Enforcement Records Bureau  
P.O. Box 1628  
Santa Fe, New Mexico 87504-1628

1-800-HLP-FIND (457-3463) and/or 505-827-9026  
Fax # 505-827-3399